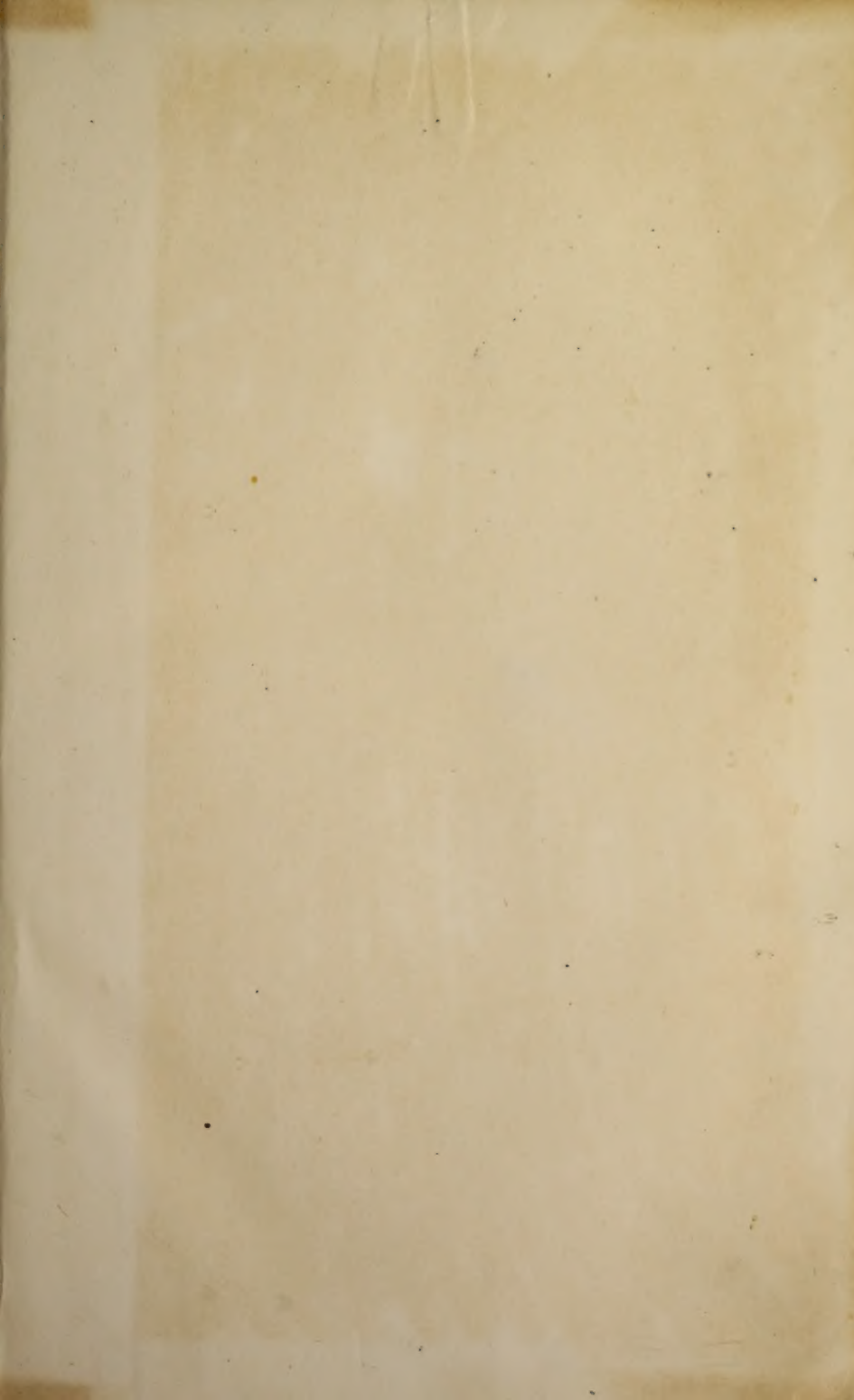






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JOURNAL OF THE SENATE

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THE
JOURNAL OF THE SENATE

DURING THE

TWENTY-EIGHTH SESSION

OF THE

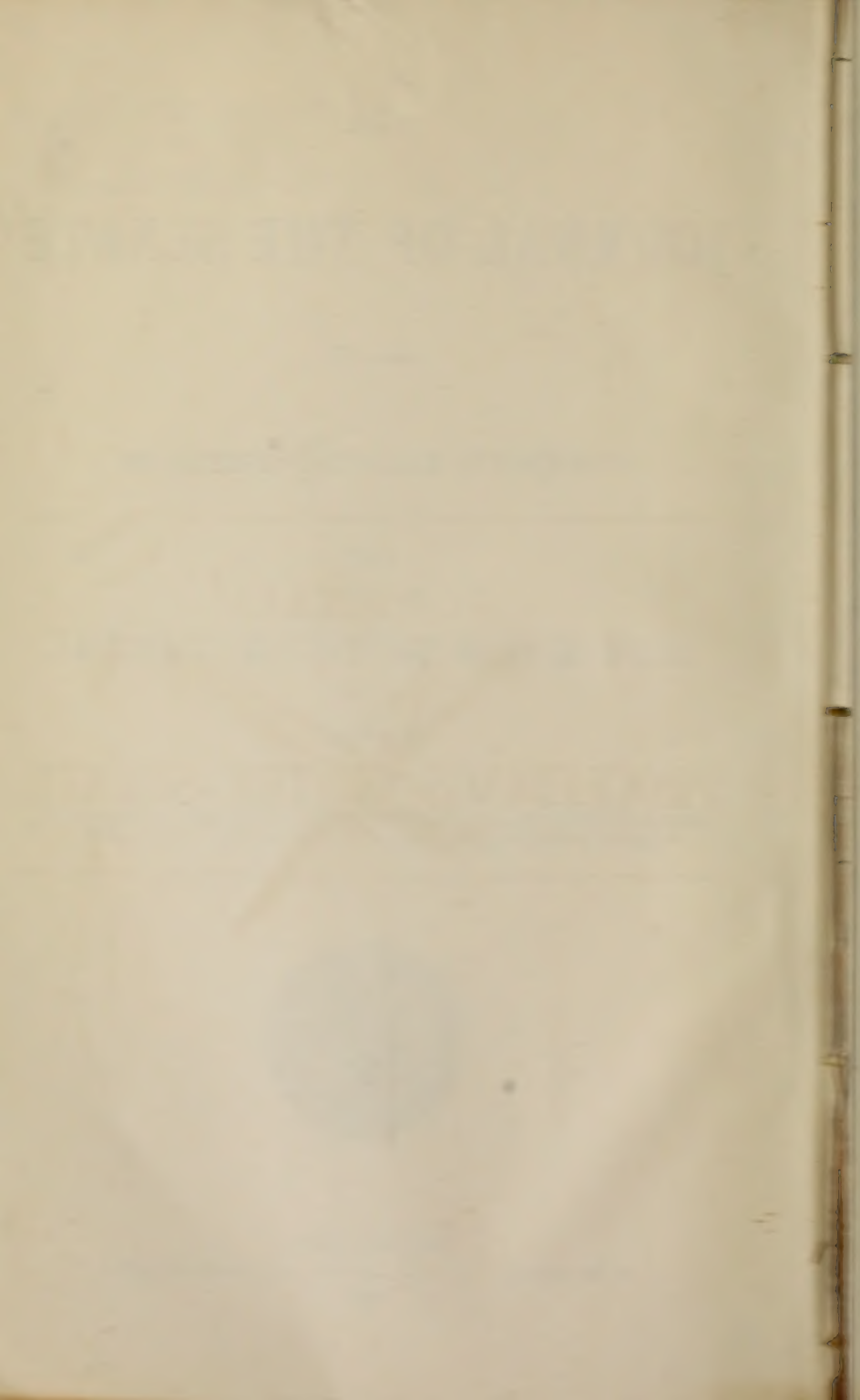
LEGISLATURE OF THE STATE OF CALIFORNIA,

1889.

BEGAN ON MONDAY, JANUARY SEVENTH, AND ENDED ON SATURDAY,
MARCH SIXTEENTH, EIGHTEEN HUNDRED AND EIGHTY-NINE.



SACRAMENTO:
STATE OFFICE, : : : J. D. YOUNG, SUPT. STATE PRINTING.
1889.



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OF THE

PROCEEDINGS OF THE SENATE.

JOURNAL OF THE SENATE

OF THE STATE OF NEW YORK

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CALIFORNIA LEGISLATURE---SENATE.

TWENTY-EIGHTH SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 7, 1889. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California.

CALLED TO ORDER.

President pro tem. of the Senate, Hon. S. M. White, presided, and announced that this being the time designated in the Constitution for the meeting of the Legislature, the Senate will come to order.

PRAYER.

Prayer by the Chaplain, Rev. H. C. Christian.

ROLL-CALL.

Following an address by the President, by direction, the Secretary called the roll of hold-over Senators, who responded to their names, as follows:

Messrs. Boggs, Bowers, Briceland, Caminetti, Conklin, Dixon, Goucher, Hinshaw, Jones, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, White, Wilson, and Yell.
Absent—A. L. Chandler, deceased.

By direction, the Secretary then called the roll of Senators elect as certified by the Secretary of State, and the following responded to their names:

First District—Humboldt and Del Norte: Hon. F. McGowan.
Third District—Modoc, Lassen, Plumas, and Sierra: Hon. M. H. Mead.
Fifth District—Nevada: Hon. E. M. Preston.
Seventh District—Placer and El Dorado: Hon. Thos. Fraser.
Ninth District—Yolo and Sutter: Hon. F. S. Sprague.
Eleventh District—Solano: Hon. G. J. Campbell.
Twelfth District—Yuba and Sutter: Hon. F. H. Greely.
Thirteenth District—Sacramento: Hon. F. R. Dray.
Fifteenth District—Marin and Contra Costa: Hon. F. C. De Long.
Seventeenth District—Alameda: Hon. W. E. Dargie.
Nineteenth District—San Francisco: Hon. J. W. Welch.
Twenty-first District—San Francisco: Hon. W. O. Banks.
Twenty-third District—San Francisco: Hon. W. H. Williams.
Twenty-fifth District—San Francisco: Hon. Jas. E. Britt.
Twenty-seventh District—San Francisco: Hon. J. E. Hamill.
Twenty-ninth District—San Joaquin: Hon. B. F. Langford.
Thirty-first District—Santa Clara: Hon. A. W. Crandall.

Thirty-third District—San Mateo and Santa Cruz: Hon. J. D. Byrnes.

Thirty-fifth District—Monterey and San Benito: Hon. Thos. Flint, Jr.

Thirty-seventh District—San Luis Obispo, Santa Barbara, and Ventura: Hon. E. H. Heacock.

Thirty-ninth District—Los Angeles: Hon. J. E. McComas.

OATH OF OFFICE.

The Senators elect then took and subscribed to the oath of office, administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Senator to the best of my ability.

MOTION.

On motion of Mr. Moffitt, it was unanimously ordered that the opening address of the President be entered in full in the minutes.

ADDRESS.

Opening remarks of Stephen M. White of Los Angeles, President pro tempore, on calling the Senate to order, January 7, 1889:

SENATORS: In the absence of the Lieutenant-Governor, who, owing to the death of the Governor, has been called to the discharge of the functions of the Executive office, it becomes my duty, as **President pro tempore**, to call the Senate to order.

SENATORS: The extraordinary occurrence which has imposed this obligation upon me should not pass unnoticed. For the first time in her history, California has mourned the death of her Chief Magistrate. When the twenty-seventh session of the Legislature closed, we left our late Governor engaged in the arduous labor of examining the results of our tardy efforts. We bade him adieu, knowing that he would never sanction any measure which did not, in his judgment, accord with the welfare of the commonwealth. He finished that task, but his health, impaired by insidious malady, was impotent to withstand the drain of his great exertion. He finally succumbed. He was laid to rest amid the sighs of a regretful people, close to that beautiful harbor upon whose shores he had spent his choicest days, and where were located those historic scenes in which he had acted so prominent a part.

Washington Bartlett was indeed a man. He faithfully discharged his duty to his fellows. He was a citizen who thoroughly comprehended the privileges of his franchise. He was an officer zealous in the performance of accepted trust, glad to acknowledge the popularity which all accorded him, but never seeking applause at the price of sacrificing the integrity of his opinions. He had studied the laws of his country, not to evade, but to support and maintain them. Content to accept the reward which he found in the knowledge of his rectitude, he held position not for self-aggrandizement, but for the common benefit. In a ministerial capacity he was affable, economical, efficient. As a Senator he occupied a seat in this chamber to his constituents' advantage, and that justice and fair government might be promoted. The votes which are cast here cannot be repudiated. The record stands for all time. Measures may accomplish, or fail to accomplish, their purposes. That which is popular to-day may be otherwise to-morrow. Policies may change and individuals alter their views. Public clamor often induces the cowardly to yield acquiescence to unreasonable demand. Cupidity may tempt and allure from the walks of honor, and weak conscience and uncertain judgment sometimes permit unworthy motives to dictate legislation, but in any and all events the turn of a page will be sufficient to give the truth to biography, and to disclose the real worth of him who was sent here to act in accordance with the mandates of the Constitution.

The Journals of this body, like all other evidences of his conduct, uniformly certify to the honesty and strong sense of Governor Bartlett. Twice elected Mayor of the metropolis of the Pacific, he was a faithful public servant, who smiled at the threats of greedy and unscrupulous power, and whose integrity was so fully recognized that the corruptionist never darkened his door. His fellow citizens, understanding the rare combination of qualities which he possessed, raised him to the highest station within their direct gift. His short career as Governor furnished certain proof that this great confidence was not misplaced.

Washington Bartlett was a pioneer. He belonged to that hardy band—the founders of this great State—who, despite obstacles before deemed insuperable, brought the stars and stripes to the Western Coast, and gave to those who are in present enjoyment of the blessing, and to multitudes yet to be, a matchless land controlled by a modified and adapted common law, administered wisely, and construed with prudence and liberality. He had

witnessed California struggling for recognition. He accompanied her to a position from which it needed not prophetic gift to foretell her exalted destiny in the sisterhood of an indissoluble Union. His allotted duty done, following numbers of the companions of his earlier manhood, he joined the ranks of the many whose deeds had all been chronicled.

His death was a loss, great indeed, but yet the penalty of nature. His example is of inestimable value. It teaches that a steady, sensible, and honorable life is not without reward; that the flash and glare of momentary, though brilliant, success is not requisite to lasting fame; but that intelligence and fidelity are essential to the accomplishment of the greatest and most enduring good, and though the lone bugler's last call has died away and the mourners have returned "where stands the vacant chair," the people of this commonwealth will not forget the history and virtues of Washington Bartlett.

Senators: Under the Constitution, twenty members of the last Senate should have returned here. Some of those who participated in the late session have been reelected and are about to qualify; but there is one who is noted as absent but who had not completed his term of office. A. L. Chandler is not here. He, too, has gone before the Final Tribunal. In fullness of mental vigor, in the enjoyment of seeming health, he was taken from his family, his friends, and his State. He was an upright man, a Senator whose extended incumbency left an unblemished record. It is fitting that some tribute to his memory should emanate from this Chair, which he so often addressed in the tone and sentiment of a legislator truly striving to uphold the right. It is not my wish to occupy your time in eulogies however appropriate, but in the pursuit of our ordinary avocations and in the consummation of the charges that rest upon us, it is proper that we should pause when one of our associates has passed away, paying the meed of respect that is his due, and signifying our appreciation of his high traits of character, and of the good that he has done.

I will not claim your attention in speaking of the duties which are before us. They are thoroughly understood.

Legislators do not usually receive much commendation. Perhaps they do not always deserve it, but it may not be amiss to remark that it is often the practice to attack measures after their passage into laws, when, perhaps, well directed criticism in advance would have exposed the weakness, or rendered the inutility of the proposed enactment apparent. I believe that no Senator will feel otherwise than pleased at just comment upon his course. If the press will use its power in suggesting the dangers of mistaken legislation before it is too late, and specify the particular matter at which the objection is leveled, I do not doubt that much advantage will result.

I know that I am but expressing your views when I say that we will at all times be more than ready to receive and carefully consider such suggestions as may come from the distinguished citizen who occupies the Executive office.

I trust that whatever policies we may adopt, and whatever line of conduct we may pursue, no conclusion will be reached that is not supported and dictated by sound and intelligent judgment.

TEMPORARY OFFICERS.

The President announced as temporary officers, except as to those provided by law, the officers of the twenty-seventh session, and directed the Secretary to prepare a roll showing such officers as are actually present and in the discharge of their duty.

LEAVE OF ABSENCE.

On motion of Mr. Wilson, Mr. Banks was granted leave of absence for the remainder of the week.

ADJOURNMENT.

Mr. Jones moved that the Senate adjourn until to-morrow at eleven o'clock A. M.

Mr. Heacock moved to amend by adding to Mr. Jones' motion the words, "out of respect to the memory of the late Governor, Washington Bartlett, and the late State Senator, A. L. Chandler."

The amendment proposed by Mr. Heacock was accepted. Whereupon the motion of Mr. Jones, so amended, was adopted, and at twelve o'clock and forty-five minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
 Tuesday, January 8, 1889.)

The Senate met at eleven o'clock A. M., pursuant to adjournment. President pro tempore White in the chair.

Roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, M. Donald, M. Gowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellaey, Sprague, Welch, White, Williams, Wilson, and Yell.

PRAYER AND READING OF JOURNAL.

Prayer was rendered by the Chaplain, Rev. A. C. Bane.
 Journal of yesterday read and approved.

ELECTION OF PRESIDENT PRO TEM.

Mr. Langford moved that the Senate proceed to the election of President pro tem. of the Senate.

So ordered.

Mr. Caminetti in the chair.

Mr. Goucher placed in nomination Hon. Stephen M. White, of Los Angeles.

Mr. De Long placed in nomination Hon. J. N. E. Wilson, of San Francisco.

Mr. Yell seconded the nomination of Mr. White.

There being no further nominations, the same were declared closed, and the roll called, with the following result:

For White—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Welch, Williams, Wilson, and Yell.

For Wilson—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McDonald, McGowan, Preston, Sprague, and White.

Whole number of votes cast	38
Necessary to a choice	20
S. M. White received	21
J. N. E. Wilson received	17

Mr. White, having received a majority of the votes cast, was declared duly elected President pro tem. of the Senate at the twenty-eighth session thereof.

Mr. White in the chair.

MOTION.

Mr. Roth moved that the Senate proceed to the election of Secretary.
 So ordered.

ELECTION OF SECRETARY OF THE SENATE.

Mr. Moffitt nominated Geo. W. Peckham, of Santa Cruz.

Mr. Dargie nominated Jas. A. Orr.

The roll was called, with the following result:

For Peckham—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Welch, White, Williams, and Yell.

For Orr—Messrs. Bowers, Brynes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice.....	20
Geo. W. Peckham received.....	21
Jas. A. Orr received.....	17

George W. Peckham, having received a majority of the votes cast, was declared duly elected Secretary of the Senate.

APPOINTMENT OF CHAPLAIN.

Mr. Jones offered the following resolution:

Resolved, That Rev. A. C. Bane be and he is hereby appointed Chaplain of the Senate, and that the compensation of said position be fixed at six dollars per diem, to be paid out of the fund for contingent expenses of the Senate.

Mr. Dray moved to amend by striking out the name of A. C. Bane and inserting in lieu thereof the name of A. T. Needham.

On the adoption of the amendment the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bowers, Brynes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—17.
 NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Welch, White, Williams, and Yell—21.

On the adoption of Mr. Jones' resolution the roll was called, with the following result:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—33.
 NOES—Messrs. Brynes, De Long, McGowan, and Preston—4.

And Rev. A. C. Bane was declared elected Chaplain of the Senate.

ELECTION OF SERGEANT-AT-ARMS.

Mr. Meany moved that the Senate proceed to the election of Sergeant-at-Arms.

So ordered.

Mr. Murphy nominated George W. Faylor, of San Francisco.

Mr. Britt seconded the nomination of Mr. Faylor.

Mr. Fraser nominated John W. Miller, of El Dorado County.

The roll was called, with the following result:

For Faylor—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Welch, White, Williams, and Yell.

For Miller—Messrs. Bowers, Brynes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice.....	20
George W. Faylor received.....	21
John W. Miller received.....	17

Geo. W. Faylor, having received a majority of the whole number of votes cast, was declared duly elected Sergeant-at-Arms of the Senate.

RESOLUTION.

Mr. Mead offered the following resolution, which was unanimously adopted:

Resolved, That when the Senate adjourn to-day, it do so in honor of the signal triumph won by the American army, at New Orleans, January, A. D. 1815, and in respect to the memory of the American heroes engaged in that great conflict.

OATH OF OFFICE.

By direction of the President, the duly elected officers—George W. Peckham, as Secretary, and George W. Faylor, as Sergeant-at-Arms—came forward and took and subscribed to the oath of office administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to the best of my ability.

ADJOURNMENT.

On motion of Mr. Mead, at eleven o'clock and forty-five minutes A. M., the Senate adjourned until to-morrow at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 9, 1889. }

The Senate met pursuant to adjournment, President S. M. White presiding.

Roll called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER AND READING OF JOURNAL.

Prayer was rendered by the Chaplain, Rev. A. C. Bane.
Journal of yesterday read and approved.

MOTION.

Mr. Murphy moved that the Senate proceed to the election of two Assistant Secretaries.

So ordered.

ELECTION OF ASSISTANT SECRETARIES.

Mr. Murphy placed in nomination J. J. McCarthy.

Mr. Goucher placed in nomination J. H. Corcoran.

Mr. Wilson placed in nomination R. I. Pray.

Mr. Crandall placed in nomination G. Saulsbury.

Nominations declared closed, and it being understood that as each Senator's name was called he should vote for two Assistant Secretaries.

The roll was called, with the following result:

For McCarthy and Corcoran—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.
For Pray and Saulsbury—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice.....	20
J. J. McCarthy and J. H. Corcoran received.....	22
R. I. Pray and Guy Saulsbury received.....	16

J. J. McCarthy and J. H. Corcoran, having received a majority of all the votes cast, were declared elected Assistant Secretaries of the Senate.

RESOLUTION.

Mr. Jones offered the following resolution, and moved its adoption:

Resolved, That W. E. Duncan be and is hereby appointed Assistant Secretary of the Senate, at the same per diem as the Secretary, the same to be paid out of the Contingent Fund of the Senate.

Mr. Dray moved to amend, by striking out the name of W. E. Duncan, and substituting therefor the name of A. G. Hoagland.

Lost.

On the adoption of the resolution introduced by Mr. Jones, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dixon, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—29.

NOES—Messrs. Campbell, Crandall, De Long, Dray, Flint, McGowan, Preston, Sprague, and Wilson—9.

LEAVE OF ABSENCE.

At the request of Mr. De Long, Mr. Dargie was granted leave of absence for one day.

ELECTION OF MINUTE CLERK.

Mr. Goucher moved that the Senate proceed to the election of a Minute Clerk.

So ordered.

Whereupon, Mr. Langford placed in nomination W. E. Bidwell, of Stockton.

Mr. McGowan nominated Peter Belcher, of Humboldt County.

Nominations declared closed, and the roll was called, with the following result:

For Bidwell—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Belcher—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice.....	20
W. E. Bidwell received.....	22
Peter Belcher received.....	16

W. E. Bidwell, having received a majority of all the votes cast, was declared elected Minute Clerk of the Senate.

ELECTION OF ASSISTANT SERGEANT-AT-ARMS.

Mr. Spellacy moved that the Senate proceed to the election of Assistant Sergeant-at-Arms.

So ordered.

Mr. Spellacy nominated H. M. Levy, of San Francisco.

Mr. Greely nominated Edwin Meridith, of Yuba.

The roll was called, with the following result :

For Levy—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Meridith—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice	20
H. M. Levy received.....	22
Edwin Meridith received.....	16

H. M. Levy, having received a majority of all the votes cast, was declared elected Assistant Sergeant-at-Arms of the Senate.

POSTMISTRESS.

Mr. Roth moved that the Senate proceed to the election of Postmistress.

So ordered.

Mr. Roth placed in nomination Miss Susie Scott of Tulare.

Mr. Dray placed in nomination Mrs. Mary E. Ackley of Sacramento.

The roll was called, with the following result:

For Miss Scott—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Mrs. Ackley—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	38
Necessary to a choice	20
Miss Susie Scott received.....	22
Mrs. Mary E. Ackley received.....	16

Miss Susie Scott, having received a majority of all the votes cast, was declared elected Postmistress of the Senate.

ELECTION OF ENROLLING CLERK.

Mr. Briceland moved that the Senate proceed to the election of Enrolling Clerk.

So ordered.

Mr. Heacock moved that the election of Enrolling Clerk be indefinitely postponed.

Lost.

Question recurred upon Mr. Briceland's motion, and the same was adopted.

Mr. Briceland placed in nomination Thomas W. O'Neil, of Sacramento.

Mr. Preston nominated F. G. Beatty.

The roll was called, with the following result:

For O'Neil—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Beatty—Messrs. Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast.....	39
Necessary to a choice.....	20
T. W. O'Neil received.....	22
F. G. Beatty received.....	15

Thos. W. O'Neil, having received a majority of all the votes cast, was declared elected Enrolling Clerk of the Senate.

ELECTION OF JOURNAL CLERK.

Mr. Britt moved that the Senate proceed to elect the Journal Clerk.
So ordered.

Mr. Britt nominated Jesse A. Galland of San Francisco.

Mr. McComas nominated T. C. Thomas of Los Angeles.

The roll was called, with the following result:

For Galland—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Thomas—Messrs. Byrnes, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast	34
Necessary to a choice.....	18
Jesse A. Galland received	20
T. C. Thomas received.....	14

Jesse A. Galland, having received a majority of all the votes cast, was declared elected Journal Clerk of the Senate.

ELECTION OF ENGROSSING CLERK.

Mr. Roth moved that the Senate proceed to the election of Engrossing Clerk.

So ordered.

Mr. Roth nominated H. I. Ward, of Visalia.

Mr. Dray nominated J. C. Medley, of Sacramento.

The roll was called, with the following result:

For Ward—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For Medley—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson.

Whole number of votes cast	38
Necessary to a choice.....	22
H. I. Ward received	20
J. C. Medley received.....	16

H. I. Ward, having received a majority of all the votes cast, was declared elected Engrossing Clerk of the Senate.

RESOLUTIONS.

By Mr. Hinshaw:

Resolved, That E. H. Cluff, H. H. Maynard, and Lee Brown be and are hereby elected Assistant Journal Clerks of the Senate, at the same per diem as the Journal Clerk, the same to be paid out of the Contingent Fund of the Senate.

Mr. Heacock moved to amend the resolution by striking out the last two names mentioned.

On the adoption of Mr. Heacock's amendment, the ayes and noes were demanded by Messrs. Wilson, Dray, and Heacock, and the amendment was lost, by the following vote:

AYES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—16.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

On the adoption of Mr. Hinshaw's resolution, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—14.

By Mr. Meany:

Resolved, That Henry Zollver, J. DeWitt McPike, and V. Ryan be and they are hereby elected Assistant Minute Clerks of the Senate, at the same per diem as Minute Clerk, the same to be paid out of the fund for contingent expenses of the Senate.

On the adoption of the above resolution, the ayes and noes were demanded by Messrs. Wilson, Crandall, and Heacock, and the resolution was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—24.

NOES—Messrs. Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, and Wilson—13.

By Mr. Moffitt:

Resolved, That W. S. O'Brien be and he is hereby appointed Bookkeeper for the Sergeant-at-Arms of the Senate, at the same per diem as the Sergeant-at-Arms, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution introduced by Mr. Moffitt was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dixon, Dray, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—30.

NOES—Messrs. Crandall, De Long, Flint, Fraser, Greely, McGowan, Preston, and Sprague—8.

By Mr. Mead:

Resolved, That M. B. Bransford be and is hereby appointed Assistant Enrolling Clerk of the Senate, at the same per diem as the Enrolling Clerk, to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

NOES—Messrs. Bowers, Byrnes, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—15.

By Mr. Hamill:

Resolved, That Mrs. Lena Walton be and is hereby appointed Assistant Postmistress of the Senate, at the same per diem as the Postmistress, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—Messrs. De Long, Greely, and Heacock—3.

By Mr. Yell:

Resolved, That Joseph Van Praag be and is hereby appointed Front Doorkeeper of the Senate, at a salary of four dollars per diem, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—30.

NOES—Messrs. Greely, Preston, and Wilson—3.

By Mr. McDonald :

Resolved, That George Collins be and is hereby appointed Mailing Clerk of the Senate, at a salary of four dollars per diem, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Crandall, Dixon, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—Messrs. Byrnes, Dray, Flint, and Wilson—4.

By Mr. Pinder:

Resolved, That Ed. Barton be and is hereby appointed Bill Clerk to the Sergeant-at-Arms of the Senate, at a per diem of four dollars, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Boggs, Britt, Byrnes, Caminetti, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—Messrs. Conklin, Crandall, Heacock, McGowan, and Wilson—5.

By Mr. Pinder :

Resolved, That J. J. Duval be and is hereby appointed Folding Clerk for the Senate, at a per diem of five dollars, to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution was adopted by the following vote :

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—21.

NOES—Messrs. Byrnes, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Sprague, and Wilson—13.

By Mr. Boggs:

Resolved, That Willie Bond, R. N. Lynch, Wilson Evans, Willie Ensberry, Charlie Lansing, Ike Mosier, Geo. Brady, and Farley Lewis be and are hereby appointed Pages of the Senate, at a per diem of three dollars, to be paid out of the Contingent Fund of the Senate.

Mr. Heacock moved to amend by increasing the number of Pages named in the resolution from eight to forty.

Mr. Wilson moved as an amendment to the amendment offered by Mr. Heacock, that the last three names mentioned in the resolution be eliminated therefrom.

Mr. Heacock accepted the amendment, and, on the adoption of the same, the ayes and noes were demanded by Messrs. Wilson, Heacock, and Dray, and the amendment was lost by the following vote:

AYES—Messrs. Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—15.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

The question recurring on the adoption of Mr. Boggs' resolution, the roll was called with the following result:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Conklin, Dixon, Dray, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—25.

NOES—Messrs. Campbell, Crandall, De Long, Flint, Fraser, Greely, Heacock, McGowan, Preston, Sprague, and Wilson—11.

By Mr. Dixon:

Resolved, That Robert Waters, J. E. Brannan, George Locke, James Mehan, Charles Robinson, W. J. Simmons, and W. S. Linn be and are hereby appointed Porters of the Senate, at a per diem of four dollars, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, De Long, Dixon, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—25.

NOES—Messrs. Bowers, Campbell, Conklin, Crandall, Dray, Flint, Greely, Heacock, McGowan, Preston, Sprague, and Wilson—12.

By Mr. Caminetti:

Resolved, That Charles Dufreue, Walter Johnson, Dennis Haley, John McCann, Wm. Lynch, and J. Dashiels be and are hereby appointed Watchmen of the Senate, at a per diem of four dollars, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

NOES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—16.

By Mr. Yell:

Resolved, That F. J. Clark be and is hereby appointed Messenger to the State Printing Office, at a per diem of three dollars, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.
 NOES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, Heacock, and McComas—7.

By Mr. Hinshaw :

Resolved, That J. H. Mitchell be and is hereby appointed Mail Carrier of the Senate, at a salary of four dollars per diem, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dixon, Flint, Fraser, Goucher, Greeley, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—28.
 NOES—Messrs. Bowers, Campbell, Crandall, De Long, Dray, Heacock, McGowan, and Wilson—8.

By Mr. Williams:

Resolved, That A. French, James Neal, and L. Leightner be and are hereby appointed Gatekeepers of the Senate, at a salary of four dollars per diem, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.
 NOES—Messrs. Bowers, Campbell, and Crandall—3.

By Mr. Welch :

Resolved, That Phillip Fay be and is hereby appointed Clerk to the Sergeant-at-Arms of the Senate, at the same per diem as the Sergeant-at-Arms, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote :

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—32.
 NOES—Messrs. Campbell, Crandall, Heacock, Preston, and Wilson—5.

By Mr. Caminetti:

Resolved, That Silas Penry, Edith Cosby, and Charles Gagus be and are hereby appointed Assistant Engrossing Clerks of the Senate, at the same per diem as the Engrossing Clerk, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote :

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Fraser, Goucher, Greeley, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—25.
 NOES—Messrs. Bowers, Campbell, Conklin, Crandall, De Long, Dray, Flint, McComas, McGowan, Preston, and Wilson—11.

By Mr. Mead:

Resolved, That S. S. Ford be and is hereby appointed Second Assistant Sergeant-at-Arms of the Senate, at the same per diem as the Sergeant-at-Arms, the same to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—26.

NOES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Heacock, McComas, Preston, and Wilson—11.

By Mr. Meany:

Resolved, That Jerome Meyers be and is hereby appointed as Watchman of the Galleries at a per diem of four dollars, to be paid out of the Contingent Fund of the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—24.

NOES—Messrs. Bowers, Byrnes, Campbell, Conklin, Crandall, De Long, Dray, Flint, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—14.

By Mr. Boggs:

Resolved, That a committee of three, to consist of Senators Caminetti, Meany, and Dray, be appointed to notify the Governor that the Senate is now organized and ready to receive any communications he may wish to make.

Adopted.

By Mr. Caminetti:

Resolved, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed to business, with the following officers:

President pro tem.....	Hon. Stephen M. White.
Secretary	Geo. W. Peckham.
First Assistant Secretary	J. J. McCarthy.
Second Assistant Secretary	J. H. Corcoran.
Sergeant-at-Arms	Geo. W. Faylor.
Assistant Sergeant-at-Arms	H. M. Levy.
Minute Clerk	W. E. Bidwell.
Journal Clerk	J. A. Galland.
Enrolling Clerk	Thos. W. O'Niel.
Engrossing Clerk	H. I. Ward.
Postmistress	Miss Susie Scott.
Chaplain	Rev. A. C. Bane.

Adopted.

By Mr. Murphy:

Resolved, That the following named be and constitute the temporary officers and attachés, in addition to the constitutional officers, of the twenty-eighth session of the Senate of California:

Chaplain—Rev. H. C. Christian.

Assistant Secretaries—J. J. McCarthy and J. H. Corcoran.

Assistant Minute Clerks—Dewitt McPike and Harry Zollver.

Assistant Journal Clerks—Jesse A. Galland and Andrew O'Brien.

Clerks to Sergeant-at-Arms—Philip S. Fay and W. S. O'Brien.

Assistant Sergeant-at-Arms—Thomas Coleman.

Messenger to Sergeant-at-Arms—Edward Barton.

Watchmen—S. T. Neall, Oscar Marshall, A. F. Tynan, and J. Wagner.

Assistant Postmistress—Miss Mary Mails.

Messenger to State Printer—J. C. Hanna.

Mailing Clerk—Frank Gallagher.

Porter to Lieutenant-Governor—G. Huddlestone.

Gallery Porter—Chas. Melhado.

Porter to Journal Clerk—Chas. Robinson.

Rear Porter—Geo. Waters.

Gatekeepers—Chas. Gagus, L. S. Lightner, B. Lander, and Wm. N. Battersby.

Pages—Willie Bond, Willie Ensberry, Willie Hopper, C. Burns, Jno. Dunworth, and Chas. Lansing.

Floor Porters—W. J. Simmons, W. S. Lynn, Isaiah Dunlap, and Albert Grubb.

The same to act and serve as of and from the seventh day of January, 1889, at the same per diem provided for and allowed by the Senate for said officers at the twenty-seventh session thereof.

Adopted.

MOTION.

On motion of Mr. Murphy, it was ordered that the temporary officers of the Senate, other than those provided by law, be allowed each three days' pay.

OATH OF OFFICE.

By direction of the President, all the elective officers not heretofore having qualified, came forward and took the oath of office as administered by the President.

CONTESTED ELECTION.

The President announced that he had received a sealed package of papers in the contested election case of G. P. Harding vs. F. S. Sprague, in the Ninth Senatorial District, and delivered the same into the custody of the Secretary, to be kept by him until the appointment of the Committee on Elections.

REPORT OF COMMITTEE.

The committee appointed to notify the Governor that the Senate was ready to receive any message he may deliver, reported that the Governor would be in readiness to communicate with the Senate at two o'clock and thirty minutes P. M.

RECESS.

At one o'clock and ten minutes P. M. the Senate took a recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

Mr. White called the Senate to order at two o'clock and thirty minutes P. M.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

APPOINTMENTS BY THE PRESIDENT.

The President appointed the following officers:

Porters—Granville Huddleston, Martin Morelli, and B. F. Alexander.

Pages—Edw. J. Coffey, J. H. Biddell, and Chris. L. Haight.

RESOLUTION.

Mr. Moffitt offered the following resolution:

Resolved, That the resolution adopted on this day appointing Porters is hereby changed, so that where the name of Robert Waters appears, the name of Louis Whiting will appear.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 9, 1889. }

To the Senate of the State of California, in the twenty-eighth session convened :

I desire to inform your honorable body that on September 13, 1887, I appointed Marcus D. Boruck, of San Francisco, the Private Secretary for the Governor. All official communications that I have to make to your honorable body will be made through him.

R. W. WATERMAN, Governor.

LEAVE OF ABSENCE.

Mr. Meany asked leave of absence for Mr. Goucher for the day.
Granted.

GOVERNOR'S MESSAGE—SPECIAL ORDER.

Mr. Caminetti moved that the Governor's message be made the special order for to-morrow at eleven o'clock and thirty minutes A. M.

Mr. Moffitt moved that three thousand copies of the Governor's message be printed.

So ordered.

MOTION.

Mr. Dray moved as an amendment to Mr. Moffitt's resolution, to strike out the name of Louis Whiting, and insert the name of John Smith in lieu thereof.

Lost.

Question recurring on Mr. Moffitt's resolution, the same was adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dixon, Fraser, Hamill, Hinshaw, Jones, Langford, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—24.

NOES—Messrs. Bowers, Crandall, De Long, Dray, Flint, Greely, Heacock, Preston, Sprague, and Wilson—10.

RESOLUTION.

Mr. Bowers offered the following resolution:

Resolved, That John Brown be and is hereby appointed as Special Porter to wind the clock in the Senate Chamber, at a per diem of five dollars, to be paid from the Contingent Fund of the Senate.

Mr. Bowers moved the adoption of the resolution, which was lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Crandall, Fraser, Greely, Jones, Moffitt, Pinder, Preston, and Yell—10.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, De Long, Dixon, Dray, Flint, Hamill, Heacock, Hinshaw, Langford, McComas, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—23.

ADJOURNMENT.

Mr. Fraser moved that the Senate do now adjourn until to-morrow at eleven o'clock A. M.

So ordered.

Thereupon, at three o'clock and fifteen minutes, the Senate adjourned until to-morrow morning at eleven o'clock.

IN SENATE.

SENATE CHAMBER,
Thursday, January 10, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White presiding.

Roll called, and the following Senators answered to their names :

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of yesterday was proceeding, when Mr. Bowers moved that the further reading of the Journal be dispensed with, and that the Senate take up the special order which was made for eleven o'clock and thirty minutes A. M.

So ordered.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 9, 1889. }

To the Senate of the State of California:

I herewith transmit to your honorable body my first biennial message, with accompanying documents.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, effected a permanent organization and is now ready for the transaction of legislative business, with the following officers, viz.:

Speaker	Hon. Robert Howe.
Speaker pro tem.....	Hon. T. W. H. Shanahan.
Chief Clerk.....	Ed. E. Leake.
Assistant Clerks.....	Henry Hart and Myron Yager.
Sergeant-at-Arms.....	J. J. Driscoll.
Assistant Sergeant-at-Arms.....	Frank Anaya.
Minute Clerk.....	Bruce Pendegast.
Journal Clerk.....	Carl Spelling.
Engraving Clerk.....	Gus Sheehy.
Postmistress.....	Fanny Coffroth.
Enrolling Clerk.....	Chas. McGrevey.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

Mr. Heacock offered the following resolution :

Resolved, That the Secretary of the Senate request the Secretary of State to provide for the use of the Senate fifty sets of the pocket edition of 1886 of the Codes of California, the same to be returned at the end of the session to the Secretary of State.

Senator Goucher moved to amend the resolution by inserting the word "latest" before "edition."

Mr. Goucher's amendment to the resolution was accepted.

Mr. Bowers moved as an amendment to the resolution, that each of the Senators be furnished with a copy of the Codes, and to strike out all that part of the resolution which says, "the same to be returned at the end of the session."

Upon Mr. Bowers' motion, the ayes and noes were demanded by Messrs. Bowers, Caminetti, and Moffitt, and the resolution, as amended, was adopted by the following vote :

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, De Long, Dixon, Flint, Fraser, Greely, Hamill, Jones, McComas, Mead, Meany, Moffitt, Preston, Sprague, Welch, and Williams—21.

NOES—Messrs. Boggs, Caminetti, Conklin, Dray, Goucher, Heacock, Hinshaw, Langford, McGowan, Murphy, Roth, Wilson, and Yell—13.

Mr. Jones moved that the Senate take a recess until one o'clock and thirty minutes.

Carried.

RECESS.

Thereupon, at twelve o'clock, the Senate stood adjourned.

REASSEMBLED.

Mr. White called the Senate to order at one o'clock and thirty minutes P. M.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

RESOLUTIONS.

Mr. Britt offered the following resolution:

Resolved, That Daniel Whelan be and he hereby is appointed Messenger to the Sergeant-at-Arms, at a per diem of three dollars, the same to date from the ninth day of January, 1889, payable out of the Contingent Fund of the Senate.

Mr. Heacock moved that it be referred to the Committee on Contingent Expenses.

Mr. Moffitt raised the point of order that there being no such committee as yet appointed, there could be no reference made.

The Chair decided the point well taken.

Mr. Heacock moved to lay the subject matter of Mr. Britt's resolution on the table.

Whereupon, the ayes and noes were demanded by Messrs. Dray, De Long, and Heacock, and the motion was lost by the following vote:

AYES—Messrs. Bowers, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, Preston, Sprague, and Wilson—15.

NOES—MESSRS. Briceland, Britt, Caminetti, Dixon, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, and Williams—18.

Question recurred upon Mr. Britt's resolution, which was adopted by the following vote:

AYES—MESSRS. Bowers, Briceland, Britt, Caminetti, Conklin, Dixon, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, and Williams—22.

NOES—MESSRS. Campbell, Crandall, Dargie, De Long, Dray, Flint, Greely, McComas, Preston, Sprague, and Wilson—11.

Mr. Caminetti offered the following resolution :

Resolved, That the rules hereto annexed be and they are hereby adopted as the Standing Rules of the Senate, twenty-eighth session.

Mr. Caminetti's resolution was adopted by the following vote :

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—37.

NOES—None.

STANDING RULES OF THE SENATE.

I.—OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to two P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock P. M.

II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

III.—PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

IV.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or of any county in the State.

V.—ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.

7. Special File.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. Motions, Resolutions, and Notices.
11. First Reading of Bills.
12. Unfinished Business of the preceding day.
13. Special Orders of the day.
14. Reports from the Committee on Enrollment and on Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

VI.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill, shall rise in his place and address the President, and upon being recognized, shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless, in case of urgency, two thirds of the Senate shall by vote of ayes and noes dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

VII.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day, from two o'clock until three o'clock and thirty minutes p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate, while it is under consideration; and this order shall take precedence of all others.

VIII.—ORDER MAKING SPECIAL FILE.

The Secretary shall, from time to time, make up a file to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State Government and State institutions, revenue, and constitutional amendments, in the order named, and in the order in which the same may be reported to the Senate, and he shall place no other bills thereon.

IX.—SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

X.—ENGROSSED BILLS TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

XI.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

XII.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

XIII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

XIV.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

XV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

XVI.—STANDING COMMITTEES.

The following Standing Committees shall be appointed :

1. Committee on Agriculture, to consist of nine members.
2. Committee on Claims, to consist of seven members.
3. Committee on Commerce and Navigation, to consist of seven members.
4. Committee on Attachés, Contingent Expenses, and Mileage, to consist of five members.
5. Committee on Corporations, to consist of eleven members.
6. Committee on Counties, County Government, and Township Organization, to consist of seven members.
7. Committee on Education, to consist of seven members.
8. Committee on Engrossed Bills, to consist of seven members.
9. Committee on Enrolled Bills, to consist of seven members.
10. Committee on Federal Relations, to consist of five members.
11. Committee on Finance, to consist of seven members.
12. Committee on Hospitals, to consist of five members.
13. Committee on Judiciary, to consist of eleven members.
14. Committee on Military Affairs, to consist of seven members.
15. Committee on Mines, Drainage, and Mining Debris, to consist of seven members.
16. Committee on Public Buildings, other than Prison Buildings, to consist of seven members.
17. Committee on Public and Swamp and Overflowed Lands, to consist of five members.
18. Committee on Public Morals, to consist of three members.
19. Committee on Public Printing, to consist of three members.
20. Committee on Roads and Highways, to consist of seven members.
21. Committee on State Library, to consist of three members.
22. Committee on State Prison and Prison Buildings, to consist of nine members.
23. Committee on Irrigation and Water Rights, to consist of nine members.
24. Committee on Fish and Game, to consist of five members.
25. Committee on Elections, to consist of seven members.
26. Committee on City, City and County, and Town Governments, to consist of seven members.
27. Committee on Labor and Capital, to consist of five members.
28. Committee on Chinese and Chinese Immigration, to consist of seven members.
29. Committee on Apportionment and Representation, to consist of nine members.
30. Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, to consist of five members.
31. Committee on Immigration other than Chinese Immigration, to consist of five members.
32. Committee on Viniculture and Viticulture, to consist of five members.
33. Committee on Harbors, Rivers, and Coast Defenses, to consist of five members.
34. Committee on Constitutional Amendments, to consist of seven members.
35. Committee on Banks and Banking, to consist of five members.
36. Committee on Rules, to consist of three members.

XVII.—COMMITTEES APPOINTED BY PRESIDENT PRO TEM.

All committees of the Senate, standing and special, and all joint committees on the part thereof, shall be appointed by the President pro tem. of the Senate, unless otherwise specially ordered.

XVIII.—CLERKSHIPS OF COMMITTEES.

No special or standing committee shall elect a Clerk or Sergeant-at-Arms, without permission of the Senate.

XIX.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XX.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been, without debate, referred to and reported on by the Committee on Contingent Expenses.

XXI.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.

4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XXII.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

XXIII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

XXIV.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

XXV.—THE SENATOR ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

XXVI.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

XXVII.—FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

XXVIII.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

XXIX.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator: *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

XXX.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

XXXI.—TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

XXXII.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall also be inserted in the Journal.

XXXIII.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XXXIV.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

XXXV.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed, without a vote of three fifths, and one day's notice being given of the notice therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule Six relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules, without debate.

XXXVI.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to Reporters.

XXXVII.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

XXXVIII.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

XXXIX.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

XL.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

XLI.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, State officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

XLII.—EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

XLIII.—PRINTING.

Three hundred and sixty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

XLIV.—NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

XLV.—SECRET SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the Senators, Secretaries, Sergeant-at-Arms, and Door-keeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

XLVI.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt, by said Engrossing Clerk; and all Senate bills shall, after their final passage by, and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

XLVII.—PRINTING THE DAILY JOURNAL.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate, to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate required by law.

XLVIII.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate.

XLIX.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

L.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

MOTION.

Mr. Caminetti moved that five hundred copies of the rules be printed as adopted.

So ordered.

Mr. Caminetti called for the regular order of the Senate.

INTRODUCTION OF BILLS.

Senate Bill No. 1, introduced by Mr. White, who requested that the rules be suspended and the bill read the first time without reference to a committee.

Granted.

Senate Bill No. 1 was read the first time, and ordered to a second reading on to-morrow's file.

MOTION.

Senator Jones moved that the roll be called, and the Senators rise in their seats and introduce their bills as their names are called by the Secretary.

So ordered.

INTRODUCTION OF BILLS.

By Mr. White: Senate Bill No. 1—An Act to pay the claim for expenses for the funeral of Governor Washington Bartlett.

Introduced, read first time, and ordered on file for second reading.

By Mr. Yell: Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Referred to Committee on Forestry.

By Mr. Bowers: Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

Referred to Committee on Judiciary.

Also: Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Referred to Committee on Judiciary.

Also: Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to trustees for charitable purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Referred to Committee on Judiciary.

Also: Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1882.

Referred to Committee on Judiciary.

Also: Senate Bill No. 7—An Act to amend sections six hundred and twenty-five and six hundred and forty-one of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to Committee on Judiciary.

Also: Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Referred to Committee on Judiciary.

Also: Senate Bill No. 9—An Act to validate probate proceedings.

Referred to Committee on Judiciary.

By Mr. Britt: Senate Bill No. 10—An Act to amend section five hundred and thirty of the Political Code.

Referred to Committee on Public Printing.

Also: Constitutional Amendment No. 1—Proposed amendment to article thirteen of the Constitution, relative to revenue and taxation.

Referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés.

Referred to Committee on Labor and Capital.

By Mr. Wilson: Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

Referred to Committee on Judiciary.

Also: Senate Bill No. 13—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Referred to Committee on Judiciary.

Also: Senate Bill No. 14—An Act to amend section two hundred and ninety-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the appointment of the Board of Trustees of the State Library and their term of office.

Referred to Committee on State Library.

Also: Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Referred to Committee on Judiciary.

Also: Senate Bill No. 16—An Act to regulate building and loan associations.

Referred to Committee on Judiciary.

Also: Senate Bill No. 17—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and fifteen, relative to cemetery corporations.

Referred to Committee on Corporations.

By Mr. Caminetti: Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Referred to Committee on Judiciary.

Also: Senate Bill No. 19—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section two thousand and eighty, relating to the impeachment of witnesses.

Referred to Committee on Judiciary.

By Mr. Campbell: Senate Bill No. 20—An Act to repeal an Act entitled "An Act to regulate the vocation of fishing, and to provide therefor revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887.

Referred to Committee on Fish and Game.

By Mr. Crandall: Senate Bill No. 21—An Act to amend sections one thousand three hundred and fifty-two and one thousand three hundred and seventy, and to amend section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women.

Referred to Committee on Judiciary.

By Mr. Dargie: Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Referred to Committee on City, City and County, and Township Governments.

By Mr. De Long: Senate Bill No. 23—An Act making an appropriation or the payment of a discount on warrants for water supplied to the State

Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

Referred to Committee on Claims.

By Mr. Dray: Senate Bill No. 24—An Act to amend sections one thousand one hundred and thirteen, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-four, one thousand one hundred and ninety-two, one thousand two hundred and three, one thousand two hundred and twelve, one thousand two hundred and twenty-five, one thousand two hundred and twenty-six, one thousand two hundred and twenty-seven, one thousand two hundred and forty-two, one thousand two hundred and fifty-seven, and one thousand three hundred and fifty-eight of an Act of the Legislature of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Referred to Committee on Elections.

Also: Senate Bill No. 25—An Act to amend section forty-nine of "An Act to establish a Penal Code," approved February 14, 1872, relating to elections.

Referred to Committee on Elections.

Also: Senate Bill No. 26—An Act making appropriations for the purchase of an electric plant, pump and pipes, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Referred to Committee on State Prison and Prison Buildings.

Also: Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prisons.

Also: Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses.

Referred to Committee on Judiciary.

Also: Senate Bill No. 29—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts.

Referred to Committee on Judiciary.

Also: Senate Bill No. 30—An Act to provide for the appointment of a State Board of Drainage Commissioners, to define their duties, to provide for the organization and government of drainage districts, and for the construction of works to improve the drainage of the several districts, and to appropriate money for the use of the State Board of Drainage Commissioners.

Referred to Committee on Public, Swamp, and Overflowed Lands.

Also: Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Referred to Committee on Public Buildings other than Prisons.

By Mr. Flint: Senate Bill No. 32—An Act to provide for the resignation or removal of judicial officers in this State in certain cases, and to provide for the compensation of persons who may resign or be removed from a judicial office as herein provided, for the balance of the term for which such persons or person may have been elected or appointed.

Referred to Committee on Judiciary.

By Mr. Yell: Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city and county, township, or municipality, and to provide for filling the same.

Referred to Committee on City, City and County, and Township Governments.

By Mr. Goucher: Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Referred to Committee on Mines, Drainage, and Mining Debris.

By Mr. Heacock: Senate Bill No. 35—An Act regulating the form of requisitions for stationery made by the members of the Legislature and the officers and employes thereof, upon the Secretary of State.

Referred to Committee on Contingent Expenses.

Also: Senate Bill No. 36—An Act to amend sections three, six, eight, and twelve of "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and eight of said Act, and to appropriate money for the use of the State Board of Horticulture.

Referred to Committee on Viniculture and Viticulture.

By Mr. Jones: Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure.

Referred to Committee on Judiciary.

Also: Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Referred to Committee on Roads and Highways.

Also: Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Referred to Committee on Judiciary.

Also: Senate Bill No. 40—An Act to amend section six hundred and thirty-five of the Penal Code, relating to violations of the law for the preservation of fish.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Also: Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

Referred to Committee on Judiciary.

Also: Senate Bill No. 43—An Act to establish a uniform system of fees of office in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith.

Referred to Committee on Judiciary.

Also: Senate Bill No. 44—An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a commissioner.

Referred to Committee on Judiciary.

Also: Senate Bill No. 45—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to the waiver of trial by jury.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 46—An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein.

Referred to Committee on Judiciary.

By Mr. McComas: Senate Bill No. 47—An Act to add a new section to the Political Code, to be known as section eighteen hundred and eighty-nine, relating to the cancellation of school district bonds.

Referred to Committee on Judiciary.

By Mr. McDonald: Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to special orders number twenty-six, series eighteen hundred and eighty.

Referred to Committee on Claims.

Also: Senate Bill No. 49—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Referred to Committee on Claims.

By Mr. Moffitt: Senate Bill No. 50—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new sections thereto, to be known respectively as sections five hundred and forty, five hundred and forty-one, and five hundred and forty-two.

Referred to Committee on Education.

Also: Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Referred to Committee on Military Affairs.

Also: Senate Bill No. 52—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and thirty-seven.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents, to pay the salary of the Commissioner of Immigration, from October 10, 1885, to January 1, 1889.

Referred to Committee on Finance.

Also (by request): Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Referred to Committee on Finance.

Also: Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Referred to Committee on Finance.

Also: Senate Bill No. 56—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amend-

ing sections two thousand nine hundred and fifty-nine and two thousand nine hundred and sixty, and by repealing section two thousand nine hundred and sixty-five.

Referred to Committee on Judiciary.

Also: Senate Bill No. 57—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine.

Referred to Committee on Printing.

Also: Senate Bill No. 58—An Act entitled "An Act to regulate the licensing and powers of detectives within the boundaries of the State of California."

Referred to Committee on Public Morals.

Also: Senate Bill No. 59—An Act entitled "An Act to enable John Hackett, as assignee, to sue the State of California."

Referred to Committee on Finance.

Also: Senate Bill No. 60—An Act to establish a State School of Industry, and to provide for the organization and government thereof and the making of appropriation therefor.

Referred to Committee on Education.

Also: Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors and females.

Referred to Committee on Labor and Capital.

By Mr. Murphy: Senate Bill No. 62—An Act to create a Police Relief and Pension Fund in the several counties, cities and counties, cities, and towns of the State.

Referred to Committee on Counties, County Government, and Township Organization.

Also: Senate Bill No. 63—An Act to amend an Act entitled "An Act to support and establish a Bureau of Labor Statistics," approved March 3, 1883.

Referred to Committee on Labor and Capital.

Also: Senate Bill No. 64—An Act relating to life and casualty and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Referred to Committee on Corporations.

Also: Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Greely: Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act entitled an Act to provide for the protection of lands from overflow other than lands recognized as swamp land," approved April 15, 1880.

Referred to Committee on Public, Swamp, and Overflowed Lands.

By Mr. White: Senate Bill No. 67—An Act to amend section two hundred and sixty-six of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 68—An Act to amend chapter one, title nine, part one, of the Penal Code, by adding two new sections thereto, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine.

Referred to Committee on Judiciary.

Also: Senate Bill No. 69—An Act to amend section one thousand one hundred and ten of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 70—An Act to repeal an Act entitled “An Act to punish seduction,” approved March 17, 1872.

Referred to Committee on Judiciary.

Also: Senate Bill No. 71—An Act to amend section one of an Act entitled “An Act relating to Foreign Corporations.”

Referred to Committee on Judiciary.

Also: Senate Bill No. 72—An Act to amend section eight hundred and two of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 73—An Act to amend section one thousand four hundred and twenty-two of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 74—An Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 75—An Act to promote correct conveyancing.

Referred to Committee on Judiciary.

Also: Senate Bill No. 76—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure.

Referred to Committee on Judiciary.

Also: Senate Bill No. 77—An Act to amend sections one thousand two hundred and thirty-five and one thousand two hundred and thirty-eight of the Penal Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 78—An Act to provide for law libraries in the counties of the State and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the Bar and to the people of the respective counties.

Referred to Committee on Judiciary.

Also: Senate Bill No. 79—An Act to amend article six, chapter two, title eight, of the Civil Code, by adding thereto a new section, to be known as section two thousand two hundred and ninety.

Referred to Committee on Judiciary.

Also: Senate Bill No. 80—An Act to amend section one thousand one hundred and sixty-one of the Code of Civil Procedure.

Referred to Committee on Judiciary.

By Mr. Williams: Senate Bill No. 81—An Act to amend an Act entitled “An Act to establish a Civil Code,” approved March 21, 1872, by amending section one thousand eight hundred and sixty-three thereof, relative to the lighting of hotels, lodging houses, and boarding houses.

Referred to Committee on Judiciary.

Also: Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Referred to Committee on Claims.

MOTION.

Mr. Murphy moved that five hundred copies be printed of Senate Bill No. 62.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Jones: Senate Bill No. 83—An Act to amend an Act entitled “An Act to establish a Political Code,” approved March 12, 1872.

Referred to Committee on Judiciary.

JOINT RESOLUTION.

Mr. Moffitt offered Senate Joint Resolution No. 1, approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the sixth day of November, 1888.

Introduced and ordered printed.

Mr. Moffitt moved that five hundred copies of the resolution be printed. So ordered.

RESOLUTION.

Mr. Meany offered the following resolution:

Resolved, That Jno. W. Wilcox, retiring Sergeant-at-Arms of the Senate, and W. F. Huestis, retiring Minute Clerk, during the preliminary organization, be allowed one week's pay, payable out of the Contingent Fund of the Senate.

Mr. Crandall moved as an amendment to the resolution that they be allowed four days' pay.

Lost.

Question recurred upon Mr. Meany's resolution, which was adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Dixon, Goucher, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Yell—24.

NOES—Messrs. Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Flint, Fraser, Greely, Hinshaw, White, and Wilson—12.

Mr. White explained his vote on the resolution as follows: He voted "no," because the Supreme Court had lately decided against the power of the Senate to make such appropriation.

MOTION.

Mr. Yell moved that Mr. McComas be appointed a committee of one to wait upon the Secretary of State and ascertain if he could furnish copies of the Constitution of California to the members of the Senate.

So ordered.

RESOLUTION.

Mr. Murphy offered the following resolution:

Resolved, That the Controller be and he hereby is directed to draw his warrant in favor of John W. Wilcox, temporary Sergeant-at-Arms, for the sum of sixteen dollars and eighty cents; and in favor of W. F. Huestis, temporary Minute Clerk, for the sum of sixty-two dollars and forty cents, the same being for mileage of said respective officers for attendance upon the twenty-eighth session of this Senate.

Which was adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Mr. Spellacy offered the following resolution, with a request that it be referred to the Committee on Contingent Expenses and Mileage:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for ten dollars, paid for rent of a box at the Post Office for the twenty-eighth session.

Mr. Caminetti raised the point of order that the resolution must be referred to the Committee on Attachés, Contingent Expenses, and Mileage, unless the rules were suspended.

Point of order was sustained by the Chair.

REPORT OF SPECIAL COMMITTEE.

Mr. McComas reported that the Secretary of State had one hundred copies of the Constitution of California.

RESOLUTION.

Mr. Jones offered the following resolution :

Resolved, That there be paid out of the State General Fund the sum of twenty-five dollars to each member of the Senate for stationery, postage, and contingent expenses of the session.

Mr. Jones asked that the resolution be referred to the Committee on Contingent Expenses and Mileage, when appointed.

So ordered.

JOINT RESOLUTION.

Mr. White offered the following Senate Joint Resolution, No. 2:

Approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the twenty-second day of October, 1888.

And it was ordered that five hundred copies of said resolution be printed.

RESOLUTIONS.

Mr. Caminetti offered the following resolution :

Resolved, That the requisitions upon the Secretary of State for stationery and other supplies by officers and employés of the Senate, and Senate committee clerks, be first submitted to the Committee on Attachés and Contingent Expenses, and be approved by a majority thereof before being presented to the Secretary of State.

Adopted.

Mr. Goucher gave notice that he would move a reconsideration of the vote whereby the resolution was adopted.

Mr. Murphy offered the following resolution:

Resolved, That the Controller be and he hereby is directed to deliver to the Sergeant-at-Arms of the Senate the warrants of the members of this Senate and the officers and attachés thereof, taking his receipt therefor.

Adopted.

LEAVE OF ABSENCE.

Secretary Peckham was granted leave of absence until Tuesday, on account of illness in his family.

INTRODUCTION OF BILLS (OUT OF ORDER).

By Mr. Murphy: Senate Bill No. 84—An Act to authorize the State Board of Harbor Commissioners to construct railroads over State lands

and lands within their jurisdiction along the waterfront line of the City and County of San Francisco.

Referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 85—An Act to authorize the State Board of Harbor Commissioners to execute leases of land belonging to the State, within their jurisdiction and control.

Referred to Committee on Commerce and Navigation.

ADJOURNMENT.

Mr. Briceland moved that the Senate adjourn until to-morrow at eleven o'clock A. M.

Thereupon the Senate adjourned at three o'clock P. M.

IN SENATE.

SENATE CHAMBER,
Friday, January 11, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

INTRODUCTION OF BILLS—(OUT OF ORDER).

Mr. Wilson asked unanimous consent of the Senate to introduce a bill out of order.

Granted.

By Mr. Wilson: Senate Bill No. 86—An Act entitled an Act to amend section one thousand three hundred and fifteen of the Political Code, fixing the time for the meeting of the Presidential Electors.

Mr. Wilson asked that the rules be suspended and the bill be read the first time, without reference to committee.

Granted.

RESOLUTION.

Mr. Wilson offered the following resolution:

Resolved, That Senate Bill No. 86—An Act entitled "An Act to amend section one thousand three hundred and fifteen of the Political Code," fixing the time for the meeting of the Presidential Electors—presents a case of urgency, as contemplated by section fifteen, article four, of the Constitution of California, and that the provisions of said section requiring bills to be read on three several days be and the same are hereby dispensed with; and it is ordered that said bill be now read the first, second, and third times, and placed upon its final passage.

Resolution adopted by the following vote :

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—35.
 NOES—None.

Senate Bill No. 86 read the second time.

MOTION.

Mr. Wilson moved that the bill introduced by him be referred to a committee of one to amend section two as follows: In section two thereof strike out the word "take," and insert in lieu thereof, "be in," and amend same section by eliminating therefrom the word "be" after the word "and."

So ordered.

The Chair appointed Mr. Wilson such committee to amend the bill as suggested.

REPORT BY SPECIAL COMMITTEE.

Mr. Wilson reported the bill amended, and the report was adopted.

THIRD READING AND PASSAGE.

Mr. Wilson moved that the bill be ordered engrossed and read the third time.

So ordered.

Senate Bill No. 86 read the third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Title read and approved.

MOTION.

Mr. Wilson moved to transmit Senate Bill No. 86 to the Assembly forthwith.

So ordered.

READING OF THE JOURNAL.

The reading of the Journal was in progress, when Mr. Bowers moved that that portion of the Journal relating to the rules be dispensed with.

Mr. Caminetti raised an objection, on account of the importance of the rules.

The Chair suggested that inasmuch as Mr. Caminetti was Chairman of the Committee on Rules, that he compare the Journal with the printed copy of the rules and report.

Mr. Moffitt moved that the reading of the Journal relating to bills be dispensed with.

So ordered.

Mr. Caminetti moved that the Journal as corrected be approved.

So ordered.

PRESENTATION OF PETITIONS.

Mr. Caminetti presented a petition from the residents of a portion of El Dorado County, asking that a certain portion of El Dorado County be annexed to Amador County.

Referred to the Committee on Counties and County Boundaries.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 11, 1889. }

To the Senate of the State of California :

I herewith transmit to your honorable body two memorials, one from the Board of Trade of Merced County, relative to the matter of water supply; and one from the Fruit Growers' Convention, in regard to an appropriation in the interest of horticulture. As these are the only copies, I respectfully request that you will notify the Assembly of their receipt.

R. W. WATERMAN, Governor.

MEMORIALS.

Memorial to the Governor and Legislature of the State of California, in behalf of a liberal support of the State Board of Forestry.

Referred to the Committee on Forestry.

To the honorable the Senate and Assembly of the State of California, in Legislature assembled :

Your memorialists, the Fruit Growers of the State of California, in their annual Convention at Chico, this twenty-third day of November, most respectfully represent.

Referred to Committee on Agriculture.

MOTIONS.

Mr. Goucher moved that the Secretary be directed to notify the Assembly of the receipt of the Governor's message.

So ordered.

Mr. Caminetti moved that the memorial addressed to the Senate be referred to the Committee on Forestry; and that the memorial to the Legislature and Governor be referred to the Committee on Agriculture.

So ordered.

INTRODUCTION OF BILLS.

By Mr. Goucher: Senate Bill No. 87—An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Referred to Committee on Military Affairs.

By Mr. Briceland: Senate Bill No. 88—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Referred to Committee on Hospitals.

Also: Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Referred to Committee on Hospitals.

Also: Senate Bill No. 90—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to preservation of the public health and safety and registration of births, deaths, and marriages.

Referred to Committee on Hospitals.

Also: Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Referred to Committee on Hospitals.

Also: Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

Referred to Committee on Hospitals.

Also: Senate Bill No. 93—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health.

Referred to Committee on Hospitals.

Also: Senate Bill No. 94—An Act entitled an Act to amend the Political Code of the State of California, by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto.

Referred to Committee on Hospitals.

Also: Senate Bill No. 95—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Referred to Committee on Hospitals.

By Mr. Byrnes: Senate Bill No. 96—An Act entitled "An Act to amend section seven hundred and fifty-three of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court, and to the Supreme Court Library Fund."

Referred to Committee on Judiciary.

By Mr. De Long: Senate Bill No. 97—An Act to repeal section three hundred and twenty-eight of the Code of Civil Procedure of the State of California.

Referred to the Committee on Judiciary.

By Mr. Fraser: Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Referred to Committee on Judiciary.

Also: Senate Bill No. 99—An Act to pay the claim of Enoch N. Stout.

Referred to Committee on Claims.

By Mr. Dray: Senate Bill No. 100—An Act to authorize the Controller of State to issue a duplicate Controller's warrant.

Referred to Judiciary Committee.

Also: Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Referred to Committee on Judiciary.

Also: Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Referred to Committee on Judiciary.

Also: Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prisons.

Also: Senate Constitutional Amendment No. 2—Constitutional amendment to propose to the people of the State an amendment to the Constitution of the State, relative to poll tax.

Referred to Committee on Constitutional Amendments.

By Mr. Pinder: Senate Bill No. 104—An Act amending section six hundred and sixty of the Civil Code, prescribing what are fixtures.

Referred to Committee on Judiciary.

Also: Senate Bill No. 105—An Act relating to the trial of actions for divorce.

Referred to Committee on Judiciary.

Also: Senate Bill No. 106—An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards.

Referred to Committee on Labor and Capital.

Also: Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Referred to Committee on Claims.

By Mr. Greely: Senate Bill No. 108—An Act to amend section twenty-seven of an Act of the Legislature of the State of California entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, the said section relating to the power to license by the Boards of Supervisors of counties.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Moffitt: Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. White: Senate Bill No. 110—An Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty, and relating to transfers of property without consideration.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Referred to Committee on Judiciary.

Also: Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Referred to Committee on Judiciary.

Also: Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Referred to Committee on Judiciary.

Also: Senate Bill No. 114—An Act to amend section one thousand nine hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the proof of the contents of instruments by the record, and by a certified copy of the record thereof.

Referred to Committee on Judiciary.

SECOND READING OF BILLS.

Senate Bill No. 1 read and ordered engrossed.

RESOLUTIONS.

Mr. De Long offered the following resolution, which was adopted:

Resolved, That when the Senate adjourns this day, it will be to meet on Monday, January fourteenth, at two o'clock P. M.

Mr. Moffitt offered the following resolution, at the request of Mr. Langford:

Senate Joint Resolution No. 3—Approving the charter of the City of Stockton, in San Joaquin County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the twentieth day of November, 1888.

Mr. Moffitt moved that the resolution be referred to the State Printer, and that five hundred copies be printed.

So ordered.

Mr. Caminetti offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee of the Senate be requested to examine the question of the enactment of road laws, providing the manner in which roads shall be laid out, controlled, and worked, with a view of determining whether, under the Constitution, the authority to enact such laws is vested in the Legislature or in the Boards of Supervisors of the several counties, and report the result of such examination to the Senate.

Mr. McGowan offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to furnish each newspaper correspondent assigned a seat on the floor with two copies of every resolution, bill, or other document distributed by the Pages of the Senate.

MOTION.

Mr. Goucher moved that the Senate reconsider the vote whereby the resolution by Mr. Caminetti, shown on page eighteen of the Journal, was passed.

The hour for adjournment having arrived, Mr. Goucher moved that the time for recess be extended until further order of the Senate.

So ordered.

The question recurring upon Mr. Goucher's motion to reconsider, the same was carried.

APPOINTMENT OF COMMITTEES.

The following committees were appointed by the Chair:

Committee on Judiciary—Messrs. Jones, Chairman; Caminetti, Crandall, Goucher, Heacock, McGowan, Moffitt, Sprague, Wilson, and Yell.

Mr. Goucher moved that the President pro tem. of the Senate be added to the committee.

Mr. Goucher in the chair.

The motion made by him was put and carried.

Committee on Elections—Messrs. Yell, Chairman; Campbell, Crandall, De Long, Meany, Pinder, and Williams.

MOTION.

Mr. Caminetti moved that the papers on contested elections be placed in the hands of the Committee on Elections.

So ordered.

RESOLUTION.

Mr. Goucher offered the following resolution :

Resolved, That the requisitions upon the Secretary of State for stationery and other supplies by officers and employes of the Senate shall be approved by the President of the Senate before presentation, and no requisition on the Secretary of State for stationery or other supplies from any committee clerk shall be honored unless approved by the Chairman of the proper Senate committee, and not to exceed ten dollars' worth of stationery or supplies shall be furnished any committee except by order of the Senate.

Mr. Goucher moved that it stand as a substitute for the resolution offered by Mr. Caminetti on yesterday.

Mr. Caminetti accepted the substitute, and the resolution as read was adopted.

ADJOURNMENT.

Mr. Crandall moved that the Senate do now adjourn.

Thereupon, at twelve o'clock and forty-five minutes, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, January 14, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Mr. Caminetti was granted one day's leave of absence.

Mr. Dixon was granted one day's leave of absence.

READING OF JOURNAL.

Reading of the Journal of the preceding meeting was in progress, when Mr. Moffitt moved that everything under the head of introduction of bills be omitted.

So ordered.

MOTION.

Mr. Wilson moved that Senate Bill No. 86 presented a case of urgency, and that the rules be suspended and the Senate proceed with Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 86—An Act entitled an Act to amend section one thousand three hundred and fifteen of the Political Code, fixing the time for the meeting of the Presidential electors.

E. E. LEAKE, Clerk.

MOTION.

Mr. Wilson moved that the bill be enrolled.

There being no Committee on Enrollment appointed as yet, the Chair appointed Mr. Wilson a committee of one to report upon enrollment.

REPORT OF COMMITTEE ON ENROLLMENT.

Mr. Wilson announced the enrollment of Senate Bill No. 86, and asked that it be transmitted to the Governor forthwith.

So ordered.

Journal as read approved.

RESOLUTION—(OUT OF ORDER).

Mr. Moffitt offered a resolution, pending the consideration of which he asked that the rules be suspended and the resolution acted upon.

So ordered.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }
SACRAMENTO, January 14, 1889. }

To the Senate of the State of California:

I hereby inform your honorable body that I have this day approved Senate Bill No. 86, "An Act entitled an Act to amend section one thousand three hundred and fifteen of the Political Code, fixing the time for the meeting of the Presidential Electors."

R. W. WATERMAN, Governor.

RESOLUTION—(OUT OF ORDER).

By Mr. Moffitt:

Resolved, That Senate Committee on Counties, County Government, and Township Organization be and is hereby increased from seven members to nine members.

Adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Britt: Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

Referred to Committee on Labor and Capital.

By Mr. Goucher: Senate Bill No. 116—An Act making an appropriation to pay the claim of Thos. W. O'Neill.

Referred to Committee on Claims.

Also: Senate Bill No. 117—An Act to define, regulate, and govern the State Prisons of California.

Referred to Committee on State Prisons and Prison Buildings.

By Mr. Langford: Senate Bill No. 118—An Act to divide the State of California into two prison districts, for the purpose of reducing expenses in the transportation of prisoners.

Referred to Committee on State Prison and Prison Buildings.

Also: Senate Bill No. 119—An Act to amend the Political Code of the State of California, by adding thereto a new section, in relation to reassessments of property in cases where a former assessment is invalid.

Referred to Committee on Judiciary.

Also: Senate Bill No. 120—An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Stockton for the thirty-ninth and fortieth fiscal years.

Referred to Committee on Finance.

Also: Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

Referred to Committee on Judiciary.

Also: Senate Bill No. 122—An Act to increase the number of clerks for the limited period of four months, commencing during the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerks.

Referred to Committee on Judiciary.

Also: Senate Bill No. 123—An Act to amend section two thousand six hundred and forty-three of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision over the roads within their respective counties.

Referred to Committee on Roads and Highways.

Also: Senate Bill No. 124—An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary of the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Referred to Committee on Claims.

Also: Senate Bill No. 125—An Act authorizing the Controller of State to cancel from his General Fund account against the State Treasurer the sum of three thousand three hundred and six dollars and seventy-two cents.

Referred to Committee on Judiciary.

By Mr. Boggs: Senate Bill No. 126—An Act to amend section seven hundred and thirty-seven of an Act entitled "An Act to establish a Polit-

ical Code," approved March 12, 1872, relating to the salaries of Superior Judges.

Referred to Committee on Finance.

By Mr. Williams: Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Referred to Committee on Judiciary.

Also: Senate Bill No. 128—An Act to amend section two thousand nine hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the duties of the State Board of Health.

Referred to Committee on Judiciary.

Also: Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valeno.

Referred to Committee on Claims.

By Mr. Heacock: Senate Bill No. 130—An Act to add a section to the Political Code, to be known as section three thousand eight hundred and ninety-nine *a*, providing for reassessments whenever from any cause any tax or assessment shall be declared invalid or void.

Referred to Committee on Judiciary.

Also: Senate Bill No. 131—An Act to add a new section to the Political Code, to be known as section three thousand eight hundred and ninety-nine *b*, providing for supplementary assessments whenever any person, or corporation, or property shall have been omitted from any tax assessment or assessment roll.

Referred to Committee on Judiciary.

Also: Senate Bill No. 132—An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.

Referred to Committee on Finance.

Also: Senate Bill No. 133—An Act to amend section four thousand one hundred and four of the Political Code, by providing the number of Justices of the Peace and Constables to be elected in the townships and incorporated towns and cities within the counties, not including cities and counties, within this State.

Referred to Committee on Judiciary.

By Mr. Campbell: Senate Bill No. 134—An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school text-books.

Referred to Committee on Education.

By Mr. McGowan: Senate Bill No. 135—An Act authorizing and empowering the Boards of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner.

Referred to Committee on Counties, County Government, and Township Organization.

Also: Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the

compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 138—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to applicants for primary county certificates and the studies in which said applicants shall be examined.

Referred to Committee on Education.

Also: Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Referred to Committee on Judiciary.

Also: Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Referred to Committee on Fish and Game.

By Mr. Bowers: Senate Bill No. 141—An Act to regulate bonds to be given for costs before issue of summons in actions for damages, and providing that in certain cases summons may issue without bond being given, and making counties liable for costs in certain cases.

Referred to Committee on Judiciary.

Also: Senate Bill No. 142—An Act to amend section one thousand one hundred and ninety-one and to repeal sections one thousand one hundred and eighty-eight, one thousand one hundred and eighty-nine, and one thousand one hundred and ninety of the Political Code, relating to election tickets and ballots.

Referred to Committee on Elections.

By Mr. Flint: Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito by Act of the Legislature, entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 144—An Act to appropriate money for the completion and furnishing of the building of the Northern Branch State Normal School, at Chico.

Referred to Committee on Education.

Also: Senate Bill No. 145—An Act to amend "An Act to establish a Civil Code," approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Referred to Committee on Judiciary.

Also: Senate Bill No. 146—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Referred to Committee on Judiciary.

Also: Senate Bill No. 147—An Act to amend section six hundred and seventy of the Code of Civil Procedure, relating to what constitutes a judgment roll.

Referred to Committee on Judiciary.

By Mr. Hamill: Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities, and towns, and to the inhabitants thereof.

Referred to Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 149—An Act to add a new section to the Penal Code, to be known and designated as section five hundred and fifty-six, relating to the collection of illegal water rates.

Referred to Committee on Judiciary.

By Mr. Conklin: Senate Bill No. 150—An Act to amend an Act to establish a Penal Code relating to the crime of rape.

Referred to Committee on Public Morals.

By Mr. Crandall: Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, one thousand three hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Referred to Committee on Judiciary.

Also: Senate Bill No. 152—An Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872.

Referred to Committee on Judiciary.

Also: Senate Bill 153—An Act to amend section two thousand two hundred and eleven of the Political Code of the State of California, relating to the commitment of persons to the insane asylum, approved March 12, 1872.

Referred to Committee on Judiciary.

By Mr. McGowan: Senate Bill No. 154—An Act authorizing the formation of township mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Referred to Committee on Corporations.

By Mr. Dargie: Senate Bill No. 155—An Act to amend section three hundred and sixty-one of the Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the consolidation of corporations.

Referred to Committee on Judiciary.

Also: Senate Bill No. 156—An Act to amend section one thousand three hundred and thirteen of the Civil Code of the State of California, relating to wills.

Referred to Committee on Judiciary.

Also: Senate Bill No. 157—An Act to repeal sections one thousand and ninety-three, one thousand and ninety-four, one thousand one hundred and eighty-six, and one thousand one hundred and ninety-one of the Civil Code of the State of California, relating to acknowledgments of married women.

Referred to Committee on Judiciary.

Also: Senate Bill No. 158—An Act to amend section one thousand one hundred and eighty-seven of the Civil Code of the State of California, relating to conveyances of married women.

Referred to Committee on Judiciary.

Also: Senate Bill No. 159—An Act to amend section one hundred and seventy-two of the Civil Code of the State of California, relating to the disposition of community property.

Referred to Committee on Judiciary.

Also: Senate Bill No. 160—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. Preston: Senate Bill No. 161—An Act to provide for the payment of Controller of State's warrants that shall have been lost or destroyed before being paid by the State Treasurer.

Referred to Committee on Banks and Banking.

By Mr. Moffitt: Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett, by the State Board of Examiners, and to appropriate money therefor.

Referred to Committee on Finance.

By Mr. Heacock: Senate Constitutional Amendment No. 3—Constitutional Amendment, amending section seven, of article four, of the Constitution, relating to the officers of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

By Mr. Bowers: Senate Constitutional Amendment No. 4—Constitutional Amendment, to propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trusts.

Referred to Committee on Constitutional Amendments.

By Mr. Jones: Senate Constitutional Amendment No. 5—Proposes that sections two and three, of article six, of the Constitution of the State of California, relating to the Supreme Court, be amended.

Referred to Committee on Judiciary.

By Mr. Preston: Senate Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, relative to the framing and adoption of charters by cities containing less than fifty thousand inhabitants.

Referred to Committee on Constitutional Amendments.

PETITION.

Mr. Bowers presented a petition from citizens of San Diego County, relative to the sale of business licenses.

The same was temporarily laid on the table.

THIRD READING OF BILLS.

Mr. Wilson moved that the rules be suspended, and that Senate Bill No. 1 be read the third time and placed upon its passage.

So ordered.

Senate Bill No. 1—An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett.

Read the third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McGomas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.—38.
 NOES—None.

Title read and approved.

CONTESTED ELECTION.

The President pro tem. announced to the Senate that he was in receipt of the papers in the contested election of W. O. Banks by John J. Sullivan, for member of the State Senate from the Twenty-first Senatorial District; statement, commission, and deposition taken before H. J. Stafford and James I. Boland.

RESOLUTION.

By Mr. Goucher:

Resolved, That the Judiciary Committee shall have two committee clerks at eight dollars per day each, and that every other committee shall have one clerk at five dollars per day—all compensation to clerks to be payable out of the Contingent Expense Fund of the Senate. No committee clerk shall be appointed until necessity appears therefor, and such appointment may thereupon be made by the Chairman of the Committee, and notice thereof shall be given in writing to the Sergeant-at-Arms of the Senate and to the State Controller.

MOTIONS.

Mr. Goucher moved the adoption of the resolution as read.

Mr. Murphy moved to amend the resolution as follows:

Insert after the second word "Committee" the words "except the Finance Committee, which shall also have two clerks, at a per diem of five dollars."

SUBSTITUTE.

Mr. Heacock moved as a substitute to Mr. Goucher's resolution the following:

That the Judiciary Committee be allowed two clerks at a per diem of eight dollars each; and the Committee on Claims, Committee on County and County Government and Township Organization, Committee on Finance, Committee on Elections, and the Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove be allowed one clerk each at a per diem of five dollars.

RESOLUTION.

By Mr. Jones:

Resolved, That George Locke, Porter of the Senate during the temporary organization, be and he is hereby allowed the sum of twelve dollars for the seventh, eighth, and ninth days of January, 1889, and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

The question recurring upon the substitute offered by Mr. Heacock, the ayes and noes were demanded by Messrs. Heacock, Crandall, and Yell.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Whereupon the roll being called the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

MOTION.

Mr. Goucher moved to dispense with further proceedings under the call of the Senate.

So ordered.

The question again recurring upon Mr. Heacock's substitute, the same was lost by the following vote:

AYES—Messrs. Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, Meany, and Preston—13.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—26.

AN AMENDMENT.

Mr. Crandall offered the following amendment to Mr. Goucher's resolution:

Add to the resolution:

Except the Committee on Public and Swamp and Overflowed Lands, Committee on Public Morals, Committee on Apportionment and Representation, and Committee on Rules.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Dixon:

Resolved, That Joseph Harris be and he is hereby appointed Porter to the rooms of the Judiciary Committee, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. Jones:

Resolved, That James Sharkey be and he is hereby appointed Messenger and Porter of the Judiciary Committee, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Mr. Jones asked that the rules be suspended and that the resolution be adopted.

Mr. Meany objected, whereupon the same was referred to the Committee on Attachés, Contingent Expenses, and Mileage.

The question recurred upon Mr. Crandall's amendment to Mr. Goucher's resolution, and the same was lost.

Mr. Bowers offered the following amendment to Mr. Goucher's resolution:

Amend the resolution to read "five dollars per day for all clerks of committees."

The Chair ruled the amendment out of order, as the salary of the clerk of one of the committees is fixed by statutory provision.

The amendment of Mr. Murphy was then adopted.

Mr. Goucher's resolution was then adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, DeLong, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—Messrs. Conklin, Crandall, and Heacock—3.

RESOLUTION.

Mr. Yell offered the following resolution:

Resolved, That the name of M. J. Sullivan be and is hereby substituted for that of Frank P. Clarke, as messenger from the Senate to the Superintendent of State Printing.

Adopted.

MOTIONS.

Mr. Greely moved that Senate Bill No. 66, introduced by him, and referred to the Committee on Swamp and Overflowed Lands, be re-referred to the Judiciary Committee.

So ordered.

Mr. Wilson moved that Senate Bill No. 17, which was referred to the Committee on Corporations, be re-referred to the Judiciary Committee.

So ordered.

RESOLUTIONS.

By Mr. Yell:

Resolved, That the Committee on Elections be and it is hereby authorized and empowered to send for persons and papers, issue subpoenas therefor, and compel the attendance thereof in all proceedings it shall deem expedient, and that said committee be authorized to employ the services of a stenographer, whose compensation shall be hereafter fixed, whenever such committee shall deem the same necessary.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Mead:

Resolved, That B. Landers be and he is hereby appointed Sergeant-at-Arms of the Judiciary Committee, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Yell:

Resolved, That Willie Ayer be and he is hereby allowed four days pay, from January sixth, as Page, at a per diem the same as the other Pages, out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

STANDING COMMITTEES.

The President pro tem. then announced the standing committees, as follows:

On Agriculture—Messrs. Dixon, Chairman; Heacock, Roth, Langford, Flint, Hinshaw, McComas, Mead, and DeLong.

On Apportionment and Representation—Messrs. Roth, Chairman; Welch, Hamill, Sprague, Bowers, Fraser, Byrnes, Spellacy, and Hinshaw.

On Attachés, Contingent Expenses, and Mileage—Messrs. Murphy, Chairman; Fraser, Preston, Dixon, and Welch.

On Banks and Banking—Messrs. Boggs, Chairman; Langford, Preston, Hamill, and Dargie.

On Chinese and Chinese Immigration—Messrs. Pinder, Chairman; Banks, Mead, Meany, Greely, Britt, and Campbell.

On City, City and County, and Town Governments—Messrs. Moffitt, Chairman; McComas, Bowers, Langford, Crandall, Roth, and McDonald.

On Commerce and Navigation—Messrs. Spellacy, Chairman; Murphy, Bowers, Langford, De Long, Byrnes, and Pinder.

On Constitutional Amendments—Messrs. Boggs, Chairman; Heacock, Crandall, Yell, Murphy, Wilson, and Dixon.

On Corporations—Messrs. Goucher, Chairman; McGowan, Campbell, Heacock, Dargie, Hinshaw, Wilson, Roth, Langford, Mead, and Pinder.

On Claims—Messrs. Meany, Chairman; Roth, Heacock, Hinshaw, Langford, Fraser, and Wilson.

On Counties, County Government, and Township Organization—Messrs. Hinshaw, Chairman; Caminetti, Flint, Moffitt, Boggs, Conklin, Dray, Langford, and Byrnes.

On Education—Messrs. Caminetti, Chairman; Conklin, Flint, Preston, Moffitt, Murphy, and Jones.

On Elections—Messrs. Yell, Chairman; Campbell, Crandall, De Long, Meany, Pinder, and Williams.

On Engrossed Bills—Messrs. Hamill, Chairman; Greely, Sprague, Banks, Mead, Dixon, and Welch.

On Enrolled Bills—Messrs. Mead, Chairman; Williams, Boggs, Jones, Bowers, McGowan, and Fraser.

On Federal Relations—Messrs. Britt, Chairman; Hinshaw, McDonald, Crandall, and McGowan.

On Finance—Messrs. Moffitt, Chairman; De Long, Dray, Boggs, Langford, Caminetti, and Crandall.

On Fish and Game—Messrs. Pinder, Chairman; McGowan, Campbell, Williams, Briceland, and Sprague.

On Forestry and Yosemite Valley and Mariposa Big Tree Grove—Messrs. Meany, Chairman; Boggs, Byrnes, Wilson, and Roth.

On Harbors, Rivers, and Coast Defenses—Messrs. Langford, Chairman; Bowers, Banks, Hamill, and Spellacy.

On Hospitals—Messrs. Briceland, Chairman; Byrnes, Mead, Bowers, and Roth.

On Immigration other than Chinese Immigration—Messrs. Welch, Chairman; Williams, Britt, Fraser, and Conklin.

On Irrigation and Water Rights—Messrs. Caminetti, Chairman; Bowers, McComas, Dargie, Roth, Meany, Heacock, Dixon, and Mead.

On Judiciary—Messrs. Jones, Chairman; Caminetti, Crandall, Goucher, Heacock, McGowan, Moffitt, Sprague, White, Wilson, and Yell.

On Labor and Capital—Messrs. Britt, Chairman; Byrnes, Banks, Welch, and Boggs.

On Mines, Drainage, and Mining Debris—Messrs. Mead, Chairman; Preston, Greely, Langford, Dray, Murphy, and Roth.

On Military Affairs—Messrs. Yell, Chairman; Wilson, Jones, Goucher, McComas, Pinder, and Bowers.

On Public Buildings, other than Prison Buildings—Messrs. Williams, Chairman; McDonald, Meany, Dargie, Moffitt, Conklin, and Dray.

On Public Morals—Messrs. Spellacy, Chairman; Briceland, and Fraser.

On Public Printing—Messrs. McDonald, Chairman; Moffitt, and Dargie.

On Public, Swamp, and Overflowed Lands—Messrs. Langford, Chairman; Greely, Hinshaw, Dray, and Boggs.

On Roads and Highways—Messrs. Roth, Chairman; Boggs, Hinshaw, Dixon, McComas, Flint, and Campbell.

On Rules—Messrs. Hamill, Chairman; Welch, and Flint.

On State Library—Messrs. Murphy, Chairman; McComas, and Caminetti.

On State Prison and Prison Buildings—Messrs. Goucher, Chairman; Langford, Boggs, McComas, De Long, Hinshaw, Caminetti, Wilson, and Heacock.

On Viniculture and Viticulture—Messrs. Langford, Chairman; Hinshaw, Sprague, McComas, and Dixon.

RESOLUTION.

Mr. Moffitt offered the following resolution:

Resolved, That President pro tem. White be and is hereby elected by the Senate a member of each and all of the standing committees of the Senate.

Mr. Goucher in the chair.

Mr. White stated that in order for him to be placed on any committee the rules would have to be suspended. Whereupon the ayes and noes were demanded by Messrs. Langford, Bowers, and Heacock, and the rules were suspended by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—34.

NOES—Messrs. Byrnes and Conklin—2.

The question recurring upon Mr. Moffitt's resolution, the same was unanimously adopted.

RESOLUTIONS—(OUT OF ORDER).

Mr. Wilson offered the following resolution (out of order), which was adopted:

WHEREAS, The custom heretofore observed by the various committees of the Senate of visiting the various public buildings and other places throughout the State during the sessions of this body has frequently retarded very seriously the transaction of the business of the Senate, by reason of the absence of the members of such committees during the sessions of the Senate; therefore, be it

Resolved, That during this session of the Legislature no committee of this body shall be allowed leave of absence herefrom for the purpose of making any such visit, except in case of urgent and absolute necessity, when permission shall be asked of the Senate by the Chairman of the committee wishing to make the visit, and such permission shall not be granted by the Senate, except upon a two-thirds vote of the members present in favor thereof.

Mr. Meany offered the following resolution:

Resolved, That Chas. Casler be and he is hereby appointed Sergeant-at-Arms of the Judiciary Committee, at a per diem of five dollars.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Britt: Senate Bill No. 163—An Act to pay the claim of Richard O'Connor for the permanent injury to his horse.

Referred to Committee on Claims.

ADJOURNMENT.

Mr. Murphy moved that the Senate do now adjourn.

Whereupon, at three o'clock and forty-five minutes p. m., the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 15, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

READING OF JOURNAL.

The Journal of the preceding meeting read, corrected, and approved.

RESOLUTION.

By Mr. Moffitt:

Resolved, That it shall be the duty of the Minute Clerk to deliver, as soon as practicable, a copy of the minutes of each day's proceedings to the State Printer so that the proceedings may be published in the printed Journal, and after such proceedings in the printed Journal are read by the Secretary and approved by the Senate, they shall then be delivered to the Journal Clerk for transcription in the written or official Journal of the Senate.

Adopted.

COMMITTEE APPOINTMENTS.

The President pro tem. appointed Messrs. Langford and Byrnes to the Committee on Counties, County Government, and Township Organization.

PETITIONS.

Mr. McComas presented the following petition from ladies of Los Angeles:

To the Legislature of California:

Many citizens of California, believing that "Governments derive their just powers from the consent of the governed," pray your honorable body to grant the right of municipal suffrage to the women of California.

We ask simply that women may, more effectively than has heretofore been possible, help men in the work of regenerating the world.

Leaving all comparison of the sexes, intellectually or physically, quite out of the question as irrelevant, we ask for the ballot, because, as women, we have personal rights and privileges as dear and sacred to us as those of men are rightfully precious to him.

First, we claim the absolute and inherent right to guard by vote all laws that affect in any manner the personal virtue of our sex. Such laws have hitherto been made by men only, and in the interest of men. The best interests of humanity—of men, women, and children—call for a radical change—a change that will add to the influence of all good men the united aid of all good women.

We also claim the right to do our share toward the protection of our children. And here, again, we dare not delegate our responsibility to others. We ask, not the privilege, but the inalienable right our motherhood confers, to help by voice and vote in the framing of every statute that touches the welfare of our children—educational, social, political.

We ask, further, the right to aid in the protection of our homes. There are a thousand ways in which their sanctity is guarded or invaded and their influence strengthened or made weaker by legal enactments. If home be, indeed, woman's proper and peculiar sphere, how can she logically be denied the right of casting her ballot in favor of those things that shall defend and prosper it?

We claim the right to vote under the acknowledged political maxim that "taxation without representation is robbery." It is hardly necessary to dwell on the proverb, since it enunciates a truth on which our Government is based.

Since a large proportion of the charitable work of the world is carried on by woman, we believe she should have a voice in the laws that regulate such work.

Since we furnish a constantly increasing number of workers to almost every industrial avocation, as well as a large amount of capital, it seems to us but right that we should help to make the laws that regulate the relations of capital and power of work and wages.

Since war bears more heavily on women than men, forcing upon them terrible and unnatural burdens, and bereaving them of husbands, sons, fathers, and brothers, we believe we should share with men the power of voting for or against it.

Since the passions of this country, under the sole control and management of men, have become, according to their own testimony, foul and corrupt, we tender our womanly services in the way of house-keeping. We would like to help abolish profanity and drunkenness from the voting places of this State, to destroy bribe and beseeching stuffing to let in the light of day all the dark corners and smoky hiding places, where tricksters, pious cantonniers of slander, and falsehood, and potent documents are franked with forged signatures.

We know that this right will be accorded to us sooner or later, but we would like to have the legislators of this glorious Golden State do honor to themselves and their constituents by being among the first to enfranchise women.

Very respectfully,

ELIZABETH A. KINGSBURY, -
President Woman Suffrage Club of Los Angeles, Cal.

JANUARY 1, 1889.

Signed by two thousand four hundred and ninety names.

The memorial was ordered printed in the Journal.

By Mr. Moffitt: From citizens of the City of Oakland:

To the honorable the Senate and Assembly of the State of California, in Legislature assembled:

We, the undersigned petitioners, residents and taxpayers of the City of Oakland, petition your honorable bodies as follows, to wit:

That on the sixth day of November, 1888, a charter election was held in the City of Oakland, whereby a certain charter, now before you, was adopted.

That said charter election was held at a time of great excitement, such as always accompanies a Presidential election, and many of the citizens of the said City of Oakland voted for the adoption of said charter without the consideration contemplated by law, and your petitioners have been spoken to by many persons in said city who had voted for said charter without having read or known its provisions.

That said charter contains provisions which are detrimental to the growth of the City of Oakland, and discriminates against a large body of the citizens of said city in the following particulars:

In the western portion of said city, to wit: All property west of Wood Street, and of the curve commencing at the corner of Wood and Taylor Streets, and running on a radius of three quarters of a mile, to the foot of Cypress Street, is made condemnable for railroad purposes, and the streets of said district are given to any railroad without consent of the property owners, by application to the City Council, who must grant the same if asked for.

This would tend to destroy for residence purposes about one hundred and fifty acres of valuable property on both sides of said curve and Wood Street, and lessen the value of all such property to a great extent.

Within said district are some five or six hundred houses of the working classes, the owners of which would lose at least fifty per cent of the value of their property, with the exception of those fortunate owners of property on the line of the said curve.

In all portions of said city east of said line, the consent of two thirds of property owners and two thirds of the Council is necessary before the street can be used; thus the charter discriminates against the property owners of that portion of the city first spoken of.

Said charter vests the power of appointing a certain "Board of Public Works" in the Mayor, without the necessity of the permission of the Council or any other check whatsoever, and to his creatures so appointed is given the power of appointing nearly every officer of the city government, thus giving to a designing Mayor the immense power of such patronage and perpetuating him in office for years.

Taxation would be increased by said charter nearly twofold, and by such means people would be deterred from becoming citizens of said city.

The election of nearly all the officers of said city has been taken from the people and are made the appointees of the Mayor's "Board of Public Works."

We ask that your honorable bodies may reject said charter and return it to the citizens of the City of Oakland, to the end that its inequalities may be revised and corrected. And as such we ever pray.

Signed by one thousand seven hundred and thirty-two citizens of the City of Oakland.

MOTION.

Mr. Moffitt moved that the memorial be printed in the Journal, and that the question of printing names be referred to the Committee on Printing.
So ordered.

REPORTS OF STANDING COMMITTEES.

Mr. Jones submitted the following report from the Judiciary Committee, which was ordered on file, to be acted upon in the regular order of business:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 15, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bills Nos. 3, 12, 15, 24, and 37, have had the same under consideration, and respectfully report the same back and recommend that Senate Bills Nos. 12 and 15 do pass, and that Bills Nos. 3 and 37 do pass as amended, and that Senate Bill No. 28 do not pass.

A. F. JONES, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Goucher: Senate Bill No. 164—To provide for the conduct of elections, and to more fully secure the independence of electors and the secrecy of the ballot.

Referred to Committee on Elections.

Mr. Goucher moved that five hundred extra copies of Senate Bill No. 164 be ordered printed.

So ordered.

By Mr. Campbell: Senate Bill No. 165—An Act to add a new section to an Act entitled "An Act to establish a uniform system of county and township governments," approved March 18, 1885, and March 17, 1887, said section to be numbered two hundred and nineteen, and to fix a per diem and mileage for, and to provide for the payment thereof, of witnesses in criminal trials, and proceedings in the Superior Courts.

Referred to Committee on Judiciary.

Also: Senate Bill No. 166—An Act to fix the salaries of the Superior Court Judges, and provide the time of payment.

Referred to Committee on Judiciary.

By Mr. Murphy: Senate Bill No. 167—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Referred to Committee on Education.

By Mr. Preston: Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Referred to Committee on Education.

By Mr. Caminetti: Senate Bill No. 169—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school.

Referred to Committee on Education.

Also: Senate Bill No. 170—An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor.

Referred to Committee on Judiciary.

Also: Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to legal holidays.

Referred to Committee on Judiciary.

Also: Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Referred to Committee on Judiciary.

Also: Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Referred to Committee on Judiciary.

Also: Senate Bill No. 174—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place of trial.

Referred to Committee on Judiciary.

Also: Senate Bill No. 175—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Referred to Committee on Finance.

Also: Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Referred to Committee on Finance.

Also: Senate Bill No. 177—An Act to amend section two thousand six hundred and fifty-five and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes.

Referred to Committee on Roads and Highways.

Also: Senate Bill No. 178—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto.

Referred to Committee on Judiciary.

Also: Senate Bill No. 179—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and eighty-one, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, one thousand six hundred and eighteen, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, one thousand seven hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Referred to Committee on Education.

By Mr. Langford: Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Referred to Committee on Irrigation and Water Rights.

Also: Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers, for school money left on deposit with him, aggregating the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-one cents.

Referred to Committee on Judiciary.

By Mr. Boggs: Senate Bill No. 182—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Briceland: Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Referred to Committee on Judiciary.

By Mr. Dargie: Senate Bill No. 184—An Act to appropriate money for the relief of J. C. Doherty.

Referred to Committee on Claims.

Also: Senate Bill No. 185—An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman by the State Board of Examiners, and to appropriate money therefor.

Referred to Committee on Finance.

By Mr. Byrnes: Senate Bill No. 186—An Act regulating the charges of telephone companies, and of corporations and individuals operating telephones and telephone lines.

Referred to Committee on Corporations.

Also: Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

Referred to Committee on Claims.

By Mr. Moffitt: Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Referred to Committee on Finance.

Also: Senate Bill No. 189—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds.

Referred to Committee on Military Affairs.

By Mr. Yell: Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California, at Ukiah, to be known as the Mendocino State Insane Asylum, and appropriating money therefor.

Referred to Committee on Finance.

Also: Senate Bill No. 191--An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Referred to Committee on Military Affairs.

By Mr. McGowan: Senate Bill No. 192--An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

Referred to Committee on Counties, County Government, and Township Organization.

MOTIONS, RESOLUTIONS, AND NOTICES.

Senate Concurrent Resolution No. 3, offered by Mr. Langford:

WHEREAS, The National Grange of the Patrons of Husbandry is composed of leading farmers of the United States, whose presence on this coast in their annual meeting would tend to advance our agricultural, commercial, and other interests; therefore, be it

Resolved by the Senate, the Assembly concurring, That an invitation is hereby extended to said association to hold its next annual meeting in the State of California, and that a properly engrossed copy of this resolution be transmitted by the Governor to the Master of the National Grange.

Adopted.

Mr. Campbell offered the following resolution:

WHEREAS, The people of the State of California have been grossly misrepresented by designing parties that there is great dissatisfaction with the operation of the Chinese Exclusion Act; be it

Resolved, That we, as members of the Senate of the State of California, without regard to party, fully approve of the Scott Chinese Exclusion Act, and pray to the authorities of the United States for its maintenance and rigid enforcement.

Resolved, That the best interests of the people of the Pacific Coast, and the nation, are involved in the prohibition of Chinese immigration.

Resolved, That our Congressmen and Senators are requested to present these resolutions to their respective houses, and earnestly fight for the exclusion from our shore.

Mr. Moffitt moved, as an amendment, that the resolution be referred to the Committee on Chinese Immigration.

Mr. McGowan offered the following concurrent resolution as a substitute to Mr. Campbell's resolution:

Senate Concurrent Resolution, requesting the Congress of the United States to maintain the Scott Exclusion Act and recommending additional legislation to perfect the operation of the same.

WHEREAS, It has been falsely noised abroad that there is deep dissatisfaction among the people of California with the practical operation of the Chinese Exclusion Act, known as the Scott Bill, passed at the recent session of the Fiftieth Congress; therefore, be it

Resolved by the Senate and Assembly of the State of California, That it fully indorses the action of Congress and the President in the passage of the Act known as the "Scott Exclusion Act," and that all citizens of this State, without regard to party, pray to the authorities of the United States for its maintenance and rigid enforcement.

Resolved, That we earnestly recommend to the Congress and to the President of the United States the enactment of such additional legislation as will make said "Scott Bill" completely effective, by preventing the entrance of the Chinese over either the Canadian or Mexican borders; and that, if it be deemed necessary, some convention be entered into

between the United States and the Governments of Canada and Mexico, respectively, looking to the cooperation of these governments in making such transit impossible.

Resolved, That the best interests of the people of the Pacific Slope, and of the nation, are involved in the inhibition of Chinese immigration; that the experience of forty years has proved their presence to be an unmixed evil in an American community.

Resolved, That Senator Leland Stanford is hereby requested to present these resolutions to the United States Senate, and that Representative W. W. Morrow is hereby requested to present the same to the House of Representatives; and be it further

Resolved, That his Excellency the Governor is hereby requested to immediately forward by telegraph a copy of this resolution to each of our Representatives and Senators in Congress.

Mr. Moffitt raised the point of order that the substitute was not germane to the motion before the House, which was: That Mr. Campbell's resolution be referred to the Committee on Chinese Immigration.

The Chair decided the point of order not well taken.

Mr. Moffitt moved that the substitute, in conjunction with Mr. Campbell's resolution, be referred to the Committee on Chinese Immigration, with instructions to report to-morrow.

Mr. Campbell accepted Mr. McGowan's substitute.

Mr. Yell in the chair.

Mr. Caminetti moved to refer the substitute to the Committee on Chinese Immigration, with instructions to report at eleven o'clock and thirty minutes to-morrow, and that it be printed.

Mr. Murphy moved that the hour of recess be extended until the subject-matter before the Senate be disposed of.

So ordered.

The question recurring upon Mr. Caminetti's motion to refer the substitute to the Committee on Chinese Immigration, the ayes and noes were demanded by Messrs. McGowan, Fraser, and Wilson.

Thereupon Mr. Caminetti withdrew his motion to refer.

Mr. White offered the following as a substitute for the fifth clause in Mr. McGowan's concurrent resolution, beginning "*Resolved*, That Senator Leland Stanford is hereby requested," etc.:

Resolved, That our Senators and Representatives are hereby requested to present these resolutions to the Senate and House of Representatives of the United States.

Accepted by Mr. McGowan.

Mr. Murphy moved that the concurrent resolution be referred to the Committee on Chinese Immigration, with instructions to report immediately after recess.

Mr. Murphy subsequently withdrew his motion to refer.

The question recurring upon Mr. McGowan's concurrent resolution, as amended, it was adopted by an unanimous vote.

RECESS.

Thereupon, at twelve o'clock and fifty minutes, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

At two o'clock the Senate reassembled, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hushaw, Jones, McGomas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

RESOLUTION.

Mr. Goucher offered the following resolution :

Resolved, That Miss Lillie Gesford be and she is hereby appointed File Clerk, at a compensation of five dollars per diem, payable out of the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTIONS, NOTICES, AND RESOLUTIONS.

By Mr. Heacock:

Resolved, That the Secretary of State send one of his clerks to San Francisco and procure forty copies of the latest pocket edition of the Codes of the State of California for the use of the Senate. The Codes hereby authorized to be purchased to be in lieu of those ordered to be purchased by Senate resolution passed January 10, 1889. The fifty copies of the Codes of 1886, furnished to the Secretary of State under said resolution, to be returned by him to the person from whom they were ordered.

Mr. Heacock asked that the resolution lie on the table till to-morrow.

So ordered.

Mr. Jones asked that Senate Bill No. 28 be re-referred to the Judiciary Committee.

So ordered.

By Mr. Jones:

Resolved, That Willie S. Hopper be and is hereby appointed Assistant Mailing Clerk of the Senate, at the same per diem allowed the principal, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Britt:

Resolved, That the San Francisco delegation be and are hereby authorized to employ one clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Caminetti:

Resolved, That the Governor's message be referred to a special committee of three Senators, to be appointed by the Chair, to distribute the several subjects treated by said message to appropriate committees.

Adopted.

Mr. Caminetti offered the following: Constitutional Amendment No. 7—An Act to propose an amendment to section (2) two, of article (4) four, of the State of California.

Referred to the Committee on Constitutional Amendments.

Also: Constitutional Amendment No. 8—A resolution to propose an amendment to section seven (7), of article nine (9), of the Constitution of the State of California.

Referred to Committee on Education.

By Mr. Spellacy:

Resolved, That Lena Walton, Assistant Postmistress of the Senate, be and she is hereby allowed seven dollars per diem to date, from the fourteenth day of January, 1889, and the Controller is directed to draw his warrant therefor on the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. White :

Resolved, That the Secretary of the State be requested to furnish to each member of the Senate a copy of Part Two, State Engineer's Report (Irrigation in Southern California), together with detail irrigation maps.

Adopted.

By Mr. Yell :

Resolved, That the number of membership on the Committee on Mines, Drainage, and Mining Debris, be increased to nine, and that the name of Senator Briceland be added thereto as a member thereof.

Rules suspended and the resolution adopted.

Mr. Moffitt moved that Senate Joint Resolution No. 1 be made the special order for Thursday next, at two o'clock and fifteen minutes P. M.

So ordered.

By Mr. McComas: Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of said State, relative to the right of suffrage.

Referred to Committee on Constitutional Amendments.

Mr. McComas also requested that the petition presented by him at the morning session be referred to the same committee.

So ordered.

By Mr. Hinshaw:

WHEREAS, the State Printer requires the minutes of the proceedings of the Senate from time to time to set up in type; and whereas, the work in the office of the Journal Clerk occupies all the hours of the day, and frequently extends into the late hours of the night, and there being no messenger to deliver said minutes to the printer; now be it

Resolved, That Joseph A. Ford be and he is hereby appointed as such messenger, between the office of Journal Clerk and State Printer, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

The Chair stated that he had in his possession packages addressed to the President pro tem. of the Senate, with the statement that they contained papers in the contested election of Sullivan vs. Banks, which he delivered into the hands of the Secretary of the Senate, subject to the order of the Committee on Elections.

By Mr. Crandall:

Resolved, That the clerks of the standing committees of the Senate shall not be entitled to draw pay for services until notice of their several appointments shall be filed with the Secretary of State by the Chairmen of the respective committees appointing such clerks.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Bowers moved that the Senate proceed with the first reading of bills.

So ordered.

FIRST READING OF BILLS.

Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

Read first time, and placed on file for second reading.

Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

Read first time, and placed on file for second reading.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Read first time, and placed on file for second reading.

Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an Act is to be done may be extended.

Read first time, and placed on file for second reading.

SPECIAL COMMITTEE.

The Chair appointed as a special committee, pursuant to the resolution of Mr. Caminetti, in regard to the distribution of the Governor's message among the several committees of the Senate, Messrs. Caminetti, Heacock, and Jones.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Murphy: Senate Bill No. 193—A bill for an Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Referred to Committee on Finance.

Also: Senate Bill No. 194—A bill for an Act to be entitled "An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon."

Referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

By Mr. De Long:

Resolved, That all attachés and officers of the Senate shall report each and every day at ten o'clock A. M. to the Clerk of the Sergeant-at-Arms, who shall keep a record of their presence or absence; and in any case of absence without proper authority, then their pay for such absence shall be forfeited, and the Clerk of the Sergeant-at-Arms is hereby directed to certify to the Controller of State the number of days that each attaché is to receive pay for.

Mr. Langford moved that the resolution be referred to the Committee on Attachés, Contingent Expenses, and Mileage: upon which the ayes and noes were demanded by Messrs. De Long, Greely, and Jones.

The motion was lost by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Goucher, Hamill, Hinshaw, Langford, McDonald, Mead, Moffitt, Roth, Welch, Williams, and Yell—14.

NOES—Messrs. Banks, Bowers, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Jones, McComas, McGowan, Murphy, Pinder, Preston, Spellacy, Sprague, and White—24.

AMENDMENTS.

Mr. Boggs offered the following amendment to Mr. De Long's resolution:

Provided, That committee clerks are hereby excepted from the provisions hereof.

Mr. Heacock offered the following amendment to the resolution :

Provided, That nothing herein contained shall apply to the Secretary of the Senate or the Assistant Secretaries or clerks at the desk.

Mr. De Long accepted Mr. Heacock's amendment.

The question recurring upon the proposed amendment by Mr. Boggs, the same was accepted by Mr. De Long.

Mr. Goucher offered the following amendment :

Add:

"Except Journal Clerk and Assistant Journal Clerks."

Mr. Goucher moved the adoption of the amendment.

The motion was put, and the amendment carried.

The resolution was adopted as amended.

ADJOURNMENT.

Mr. Jones moved that the Senate do now adjourn.

Thereupon, at two o'clock and fifty minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 16, 1889. }

The Senate met pursuant to adjournment. President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Yell.

Quorum present.

LEAVE OF ABSENCE.

One day's leave of absence was granted to Mr. Wilson.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. A. C. Bane.

The Journal of the preceding meeting was read and approved.

REPORTS OF STANDING COMMITTEES.

ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, January 16, 1889.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Bill No. 36—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen,

and to repeal sections seven and nine of said Act—have had the same under consideration, and respectfully report the same back and recommend that it do pass, as amended.

LANGFORD, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 16, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Also, No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State," approved March 15, 1882.

Also, No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

Also, No. 44—An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a commissioner.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

And have also had under consideration Senate Bill No. 9—An Act to validate probate proceedings—and respectfully report the same back, and recommend that it do not pass.

We have also had under consideration Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor—and respectfully report the same back, without recommendation.

A. F. JONES, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 16, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolutions, have had the same under consideration, and respectfully recommend that they do pass.

MURPHY, Chairman.

Resolved, That B. Landers be and he is hereby appointed Messenger to the rooms of the Judiciary Committee, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

The roll was called, and the report as read adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—32.

NOES—MESSRS. Caminetti, Crandall, Greely, Heacock, and Moffitt—5.

Also, the following:

Resolved, That James Sharkey be and he is hereby appointed Porter of the Judiciary Committee, at a per diem of four dollars, payable out of the Contingent Fund of the Senate.

The roll was called, and the report, as read, was adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—32.

NOES—MESSRS. Campbell, Crandall, and Heacock—3.

Also, the following:

Resolved, That Chas. Castor be and he is hereby appointed Sergeant-at-Arms of the Judiciary Committee, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

The roll was called, and the report as read was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Dargie, Dixon, Goucher, Hamiel, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—25.

NOES—Messrs. Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Greely, Heacock, and Hinshaw—11.

Also, the following:

Resolved, That George Locke, Porter of the Senate during the temporary organization, be and he is hereby allowed the sum of twelve dollars for the seventh, eighth, and ninth days of January, 1889, and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

The roll was called, and the report as read was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.

NOES—None.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 15, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred the following: Senate Bill No. 11—Entitled "An Act to provide for the proper sanitary condition of factories and workshops and the preservation of the health of the employés."

Also, Senate Bill No. 61—Entitled "An Act to regulate the hours of labor and employment of minors and females."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also, Senate Bill No. 63—Entitled "An Act to amend an Act entitled an Act to support and establish a Bureau of Labor Statistics," approved March 3, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JAS. E. BRITT,

Chairman Senate Labor and Capital Committee.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Goucher: Senate Bill No. 195—An Act to add a new section to the Civil Code, to be numbered three thousand four hundred and seventy-four, and to amend section three thousand four hundred and seventy-one of said Code, all in relation to assignments for the benefit of creditors.

Referred to Committee on Judiciary.

By Mr. Heacock: Senate Bill No. 196—An Act to amend section four thousand one hundred and sixty-one of the Political Code, approved ———, in relation to deposits of public moneys.

Referred to Committee on Judiciary.

By Mr. Roth: Senate Bill No. 197—An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecution for murder, the embezzlement of public moneys, and the falsification of public records must be commenced.

Referred to Committee on Judiciary.

By Mr. McGowan: Senate Bill No. 198—An Act to authorize the establishment of county high schools, and provide for their support.

Referred to Committee on Education.

By Mr. Spellacy: Senate Bill No. 199—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Referred to Committee on Claims.

By Mr. Hamill: Senate Bill No. 200—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.

Referred to Committee on Finance.

Also: Senate Bill No. 201—An Act to provide for the deficiency in the appropriation for salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

Referred to Committee on Finance.

Also: Senate Bill No. 202—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. Dray: Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Referred to Committee on Claims.

By Mr. Dargie: Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Referred to Committee on Finance.

Also: Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Referred to Committee on Finance.

Also: Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund, Unavailable."

Referred to Committee on Finance.

By Mr. Murphy: Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Referred to Committee on Judiciary.

By Mr. Yell (by request): Senate Bill No. 208—An Act to amend sections forty-seven and forty-eight of the Civil Code of the State of California, relating to libel and slander.

Referred to Committee on Judiciary.

By Mr. Greely: Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Referred to Committee on Judiciary.

SECOND READING OF BILLS.

Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, California, and for the appointment of such additional Judges.

Read second time, and amendment of the committee, as follows, adopted:

In lieu of section three insert the following:

Section 3. The salaries of said additional Judges shall be the same in amount and be paid at the same time and in the same manner as the salary of the other Judge of the Superior Court of said county now authorized by law.

Bill, as amended, ordered engrossed, and to a third reading.

Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

Read second time, ordered engrossed, and to a third reading.

Mr. Wilson reported as present.

Mr. Boggs in the chair.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Mr. Yell offered the following amendment to section one of Senate Bill No. 15: Strike out the word "five," and insert the word "three" in lieu thereof, in line three of printed bill.

Upon this amendment the ayes and noes were demanded by Messrs. Yell, Conklin, and White, and it was lost by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Campbell, Fraser, Goucher, Hamill, Jones, Meany, Murphy, Spellacy, Williams, and Yell—14.

NOES—Messrs. Banks, Bowers, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Preston, Roth, Sprague, Welch, White, and Wilson—24.

Mr. Murphy moved to amend section one, by striking out the word "five" in line three, and inserting the word "four" in lieu thereof.

Upon the amendment, the ayes and noes were demanded by Messrs. Yell, Meany, and Byrnes. The amendment was lost by the following vote:

AYES—Messrs. Briceland, Campbell, Murphy, and Yell—4.

NOES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—35.

Mr. Caminetti moved to amend by striking out of line eight, page one, of printed bill, the word "four," and inserting the word "two" in lieu thereof.

Upon the amendment, the ayes and noes were demanded by Messrs. Yell, Caminetti, and Langford.

Lost, by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Campbell, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Meany, Murphy, Preston, Roth, Spellacy, Williams, and Yell—19.

NOES—Messrs. Banks, Boggs, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, McComas, McGowan, Moffitt, Pinder, Sprague, Welch, White, and Wilson—20.

Mr. Murphy moved to amend by striking out the word "five" where it occurred in line three, section one, and inserting in lieu thereof the word "eleven."

The amendment was lost.

Mr. Yell moved to amend by striking out the whole of section one.

Upon the amendment the ayes and noes were demanded by Messrs. Yell, Meany, and Caminetti.

The amendment was lost by the following vote:

AYES—Messrs. Briceland, Caminetti, Campbell, Fraser, Hamill, Murphy, and Yell—7.

NOES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

RECESS.

At twelve o'clock and thirty minutes, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, Moffitt, Roth, White, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Langford and Mr. Mead for the remainder of the day.

CALL OF SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Meany, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

There being ten absentees, the list was placed in the hands of the Sergeant-at-Arms, who reported Senators Pinder, Murphy, and Greely at the bar of the Senate.

Mr. Heacock moved that further proceedings under the call of the Senate be dispensed with.

Lost.

Mr. Moffitt moved to excuse Messrs. Murphy, Greely, and Pinder.

So ordered.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms reported Senators McGowan and Caminetti at the bar of the Senate.

Mr. Meany moved to excuse them.

So ordered.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Mr. Yell moved to amend Senate Bill No. 15 by striking out section two thereof.

Mr. Bowers reported present.

Mr. Wilson reported present.

Mr. Goucher in the chair.

Upon Mr. Yell's amendment the ayes and noes were demanded by Messrs. Yell, Caminetti, and Meany.

The amendment was lost by the following vote:

AYES—Messrs. Britt, Caminetti, Fraser, Hamill, McDonald, Meany, Murphy, Spellacy, Williams, and Yell—10.

NOES—Messrs. Banks, Boggs, Briceland, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, and Wilson—26.

Mr. Yell moved to amend section two, by striking out of lines four and five the words "two hundred," and insert the words "one hundred."

The ayes and noes were demanded by Messrs. Yell, Caminetti, and Murphy.

The amendment was lost by the following vote:

AYES—Messrs. Caminetti, Fraser, Hamill, Jones, McDonald, Meany, Murphy, Spellacy, and Yell—9.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—28.

Mr. Yell moved to amend section two by striking out of lines four and five the words "two hundred," and inserting "one hundred and fifty" therefor.

The ayes and noes were demanded by Messrs. Yell, Meany, and White.

The amendment was lost by the following vote:

AYES—Messrs. Briceland, Caminetti, Fraser, Goucher, Hamill, Hinshaw, Jones, Meany, Murphy, and Yell—10.

NOES—Messrs. Banks, Boggs, Bowers, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, McComas, McDonald, McGowan, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—27.

Mr. White moved the previous question on section two.

Messrs. Yell, Caminetti, and Wilson demanded the roll call on the previous question.

Mr. White raised the point of order that the demand was not raised until after the Chair had stated the question and the affirmative had been put.

The Chair decided the point well taken.

CONSIDERATION OF SECTION THREE.

Mr. Murphy offered the following amendment to section three: Amend section three, line one, of printed bill, by striking out the word "sixty."

Mr. Caminetti moved that the bill be referred to the Committee on Finance, to ascertain the correctness of the computation in the bill.

Mr. White offered an amendment to the amendment, as follows: That "sixty-four thousand eight hundred" be inserted in section three in lieu of the words "sixty-seven thousand seven hundred."

Mr. White withdrew his amendment, and called for the question.

Mr. White reoffered his amendment and called for the previous question.

The Chair announced that the question before the Senate was upon the motion of Mr. Caminetti to refer the bill to the Committee on Finance to find the amount required and report to the Senate.

The ayes and noes were demanded by Messrs. Yell, Caminetti, and Bowers.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Fraser, Hamill, Hinshaw, Jones, McDonald, Meany, Murphy, Spellacy, Williams, and Yell—14.

NOES—Messrs. Banks, Boggs, Bowers, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, and Wilson—23.

The question recurred upon Mr. Murphy's amendment.

The ayes and noes were demanded by Messrs. Hamill, Yell, and Murphy.

The amendment was lost by the following vote:

AYES—Messrs. Caminetti, Campbell, Fraser, Murphy, and Yell—5.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

Mr. Wilson asked leave of absence for Mr. De Long for the remainder of the day and for to-morrow.

Granted.

Mr. Caminetti moved to amend section one.

Mr. White raised the point of order that section three was under consideration.

The Chair decided the point well taken.

Mr. Byrnes reported present.

Mr. Yell offered the following amendment:

Strike out the words sixty-seven thousand seven hundred and insert sixty-four thousand eight hundred.

Mr. Caminetti moved that the bill be referred to the Committee on Judiciary, with instructions to report as to the power of the Senate to make an appropriation for more than two years.

The ayes and noes were demanded on Mr. Caminetti's motion by Messrs. Caminetti, Welch, and Fraser.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Dray, Fraser, Goucher, Hamill, Hinshaw, Jones, Murphy, Roth, Spellacy, Williams, and Yell—17.

NOES—Messrs. Banks, Byrnes, Conklin, Crandall, Dargie, Dixon, Flint, Greely, Heacock, McComas, McGowan, Moffitt, Pinder, Preston, Sprague, Welch, White, and Wilson—18.

The question recurring upon the amendment by Mr. Yell, the ayes and noes were demanded by Messrs. Caminetti, Fraser, and Yell, and the amendment was lost by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Dray, Fraser, Goucher, Hamill, Hinshaw, Jones, Murphy, Spellacy, and Yell—15.

NOES—Messrs. Bowers, Byrnes, Conklin, Crandall, Dargie, Dixon, Flint, Greely, Heacock, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—20.

Mr. White moved to strike out the words "General Fund," and insert in lieu thereof the words "State Treasury," in section three of said bill.

So ordered.

Mr. Caminetti moved to amend the section by striking out the word "four," in line eight, page one, and insert the word "three."

Upon the call of the question, the ayes and noes were demanded by Messrs. Caminetti, Jones, and Yell.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Campbell, Fraser, Hamill, Hinshaw, Jones, Murphy, and Yell—10.

NOES—Messrs. Banks, Bowers, Byrnes, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Goucher, Greely, Heacock, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—24.

The bill was ordered engrossed and to a third reading.

Mr. White in the chair.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an act is to be done may be extended.

Read second time, and committee amendments, as follows, adopted:

Strike out from and including the word "by," line twenty, to and including the word "action," in line twenty-three, and insert in lieu thereof the following: "by the Judge of the Superior Court, in and for the county in which the action is pending, or by the Judge who presided at the trial of said action."

Strike out the word "ninety," in line twenty-four of said bill, and insert in lieu thereof the word "thirty."

Bill, as amended, ordered engrossed and to a third reading.

MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Preston:

Resolved, That it shall be the duty of the Chairman of each standing committee, to which any bill is referred, to notify the author in advance, of the time and place of the meeting of the committee at which such bill will be considered.

Adopted.

By Mr. Jones:

Resolved, That the Secretary of State be instructed to procure two sets of the Codes, and two copies of Desty's State Constitution of California, for the use of the Judiciary Committee of the Senate.

Adopted.

By Mr. Moffitt:

Resolved, That Percy Goldstone be and he is hereby appointed Sergeant-at-Arms to the Committee on Finance, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Jones: Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Referred to Committee on Finance.

Also: Senate Bill No. 213—An Act to encourage immigration.

Referred to Committee on Immigration other than Chinese Immigration.

By Mr. Conklin: Senate Bill No. 214—An Act to add three new sections to the Penal Code, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, respectively, relative to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Referred to Committee on Public Morals.

Also: Senate Bill No. 215—An Act to appropriate money to pay the claim of Bartolo Sepulveda, his executors, administrators, or assigns, for unlawful imprisonment.

Referred to Committee on Claims.

By Mr. Britt: Senate Bill No. 216—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Referred to Committee on Judiciary.

By Mr. Fraser: Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River, for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Referred to Committee on Fish and Game.

RESOLUTION.

By Mr. Goucher:

Resolved, That the Committee on Corporations be allowed a second clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 16, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Committee on Elections be and it is hereby authorized and empowered to send for persons and papers, issue subpoenas therefor, and compel the attendance thereof, in all proceedings it shall deem expedient, and that said committee be authorized to employ the necessary persons to carry out its orders; the services of a stenographer, whose compensation shall be hereafter fixed, whenever such committee shall deem the same necessary.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That Miss Lillie Gesford be and she is hereby appointed File Clerk, at a compensation of five dollars per diem, payable out of the contingent expenses of the Senate. Have had the same under consideration and recommend that it be adopted.

Also:

Resolved, That the San Francisco delegation be and is hereby authorized to employ one clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate. Have had the same under consideration and recommend that it be adopted.

MURPHY, Chairman.

The ayes and noes were demanded by Messrs. Yell, Heacock, and Goucher.

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

The question recurring upon the adoption of the report of the committee, Mr. Heacock called for a division of the report, whereupon the Chair stated that the report would be read seriatim.

Section one of the report was read and adopted.

Section two was read, and upon a motion for its adoption, the ayes and noes were demanded by Messrs. Heacock, Jones, and Murphy, and the same was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—Messrs. Campbell and Heacock—2.

Section three was read and adopted.

FIRST READING OF BILLS.

The following bills were read the first time:

Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Read first time and placed on file for second reading.

Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Read first time and placed on file for second reading.

Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged or proved, and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

Read first time and placed on file for second reading.

Senate Bill No. 44—An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a commissioner.

Read first time and placed on file for second reading.

Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Read first time, and placed on file for second reading.

Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés.

Read first time, and placed on file for second reading.

Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors and females.

Read first time, and placed on file for second reading.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read first time, and placed on file for second reading.

Senate Bill No. 36—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 13, 1883; and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Read first time, and placed on file for second reading.

Senate Bill No. 9—An Act to validate probate proceedings.

Refused first reading.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Dray: Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Referred to Committee on State Printing.

REPORT OF STANDING COMMITTEE (OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

Resolved, That the following named Senators be and they are hereby allowed the amount set opposite their respective names, for mileage for attendance on the twenty-eighth session of the Senate, and the Controller is directed to draw his warrant for said amounts, on the Contingent Fund of the Senate, to wit:

NAME.	Miles.	Amount.
W. O. Banks.....	168	\$16 80
John Boggs.....	198	19 80
W. W. Bowers.....	1,132	113 20
J. M. Briceland.....	366	36 60
J. E. Britt.....	168	16 80
J. D. Byrnes.....	218	21 80
A. Caminetti.....	118	11 80
G. J. Campbell.....	170	17 00
E. B. Conklin.....	266	26 60
A. W. Crandall.....	256	25 60
W. E. Dargie.....	182	18 20
F. De Long.....	216	21 60
M. W. Dixon.....	242	24 20
F. R. Dray.....		
T. Flint, Jr.....	346	34 60
T. Fraser.....	122	12 20
G. G. Goucher.....	338	33 80
F. H. Greely.....	104	10 40
J. E. Hamill.....	168	16 80
E. H. Heacock.....	738	73 80
E. C. Hinshaw.....	282	28 20
A. F. Jones.....	156	15 60
B. F. Langford.....	112	11 20
J. E. McComas.....	1,022	102 20
T. H. McDonald.....	168	16 80
F. McGowan.....	624	62 40
M. H. Mead.....	238	23 80
A. J. Meany.....	228	22 80
F. J. Moffitt.....	182	18 20
P. J. Murphy.....	168	16 80

NAME.	Miles.	Amount.
T. J. Pinder.....	168	\$16 80
E. M. Preston.....	142	14 20
J. Roth.....	444	44 40
J. R. Spellacy.....	168	16 80
F. S. Sprague.....	40	4 00
J. W. Welch.....	168	16 80
S. M. White.....	956	95 60
W. H. Williams.....	168	16 80
J. N. E. Wilson.....	168	16 80
A. Yell.....	410	41 00

MURPHY, Chairman.

The report was read and adopted.

ADJOURNMENT.

Mr. McDonald moved to adjourn.

Thereupon, at four o'clock and thirty minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Thursday, January 17, 1889. }

The Senate met pursuant to adjournment. President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

At the request of Mr. Greely, Mr. Sprague was granted leave of absence for one day.

At the request of Mr. Byrnes, Mr. Pinder was granted three days' leave of absence.

PETITIONS.

By Mr. McComas: A petition signed by nine hundred and thirty residents of the State, relative to the granting of municipal suffrage to the women of California.

Referred to Committee on Constitutional Amendments.

By Mr. Moffitt:

OAKLAND, CAL., January 16, 1889.

Hon. F. J. MOFFITT, Senate, Sacramento:

DEAR SIR: At a meeting of the Oakland Board of Trade, last evening, the following resolution was unanimously adopted:

WHEREAS, A minority of the citizens of the City of Oakland, who voted against the new charter, propose carrying their opposition beyond the constitutional arena—the ballot box—and to petition the Legislature to nullify the expressed will of a majority of the electors voting thereupon; and, whereas, the election upon the charter was fairly held, after due public notice, and ample means given for the electors to acquaint themselves with its provisions, and the result was a two-thirds majority of all voting, in favor of the same; therefore, be it

Resolved, by the Oakland Board of Trade, That the new charter, whatever its alleged defects, has been sanctioned by the proper tribunal; and we hereby respectfully, but earnestly, call upon the Legislature to complete such approval by its formal action; that any other course would be subversive of the principles of popular government, and prejudicial to the interests of the people of the State.

Yours respectfully,

C. M. PLUMB, Secretary.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred:

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds located at Sacramento, and to appropriate money therefor.

Also: Senate Bill No. 31—An Act to provide for the grading and graveling of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Also: Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds and to provide money therefor.

Also: Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

W. H. WILLIAMS, Chairman.

MOTIONS—(OUT OF ORDER).

Mr. Bowers moved that the rules be suspended and that two members be added to the Committee on Hospitals.

So ordered.

Mr. Moffitt moved that the rules be suspended, and that the Committee on Public Morals be increased by the addition of two members.

So ordered.

Mr. Murphy moved that the rules be suspended, and that the Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove be increased by the addition of two members.

So ordered.

LEAVE OF ABSENCE.

Mr. Briceland asked leave of absence for the Committee on Hospitals to visit the County of Santa Clara, for the purpose of visiting State institutions coming under their cognizance.

Granted.

Mr. Caminetti asked permission for the Committee on Education to visit the State University, Lick Observatory, and State Normal School at San José, on Monday and Tuesday next.

Granted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, and was made a special order for Friday, January eighteenth, immediately after the reading of the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 17, 1889. }

To the Senate of the State of California:

I herewith transmit to your honorable body a copy of a dispatch received from C. C. Stevenson, Governor of Nevada, and respectfully request the Senate to take notice of the same:

CARSON, NEVADA, January 16, 1889.

R. W. WATERMAN, Governor:

Joint committee of eight of our Legislature will visit your Legislature on twenty-first instant, on sawdust in Truckee River and other matters, leaving here on Sunday morning.

R. W. WATERMAN, Governor.

Also, messages from the Governor, transmitting a list of appointments made since the last regular session of the Legislature.

MOTION.

Mr. Moffitt moved that these messages be made a special order for Thursday, January thirty-first, at two o'clock and fifteen minutes P. M.

Mr. Wilson moved, as an amendment, that the messages be made a special order for Wednesday, January twenty-third, at two o'clock and fifteen minutes P. M.

CALL OF SENATE.

Mr. Moffitt moved a call of the Senate.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Messrs. De Long, Langford, Pinder, and Sprague had been granted leave of absence. Mr. Pinder was paired with Mr. Crandall.

Mr. Moffitt moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The question being upon the amendment offered by Mr. Wilson, the ayes and noes were demanded by Messrs. Wilson, Dray, and Greely, and the amendment was lost by the following vote:

AYES—MESSRS. Banks, Bowers, Byrnes, Campbell, Conklin, Dargie, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, and Wilson—15.

NOES—MESSRS. Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Crandall, who would have voted aye, was paired with Mr. Pinder, who would have voted no.

The question recurring upon the motion by Mr. Moffitt, it was adopted.

REPORT OF SPECIAL COMMITTEE.

Mr. Caminetti, Chairman of the special committee appointed to distribute to the several committees the biennial message from the Governor, submitted the following report:

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: The special committee appointed to distribute and assign to appropriate committees the different subjects discussed by his Excellency the Governor, submit the following report:

We recommend that a special committee be appointed to draft suitable resolutions on the death of our late Governor, and that the same be reported to the Senate, and considered at a memorial meeting, to be held at such time and in such manner as the Senate may hereafter determine.

As to the other subjects mentioned in said message, we recommend the following references:

Portrait of the late Governor.

Public debt—Constitutional amendment.

Finances of the State Government.

State Treasurer.

General expenses of the State Government.

State Board of Examiners.

Appropriations.

Salaries of State officers.

Surveyor-General.

To Committee on Finance.

County indebtedness.

To Committee on Counties, City and County, and Township Government.

University of California.

The Lick Observatory.

The State text-books.

The Normal Schools.

Superintendent Public Instruction.

Land grants for education.

Congressional legislation.

To Committee on Education.

The State Prisons.

The pardoning power.

Provision for the criminal insane.

To Committee on State Prisons.

Insane asylums.

Stockton Insane Asylum.

The Napa State Asylum for the Insane.

Asylum for the Chronic Insane.

The Deaf and Dumb, and the Blind.

The Adult Blind Home.

Home for the Care and Training of Feeble-Minded Children.

State Board of Health.

The charitable institutions receiving State aid.

To Committee on Hospitals.

State Mining Bureau.

To Committee on Mines and Mining.

The Yosemite Valley and Mariposa Big Tree Grove.

To Committee on Yosemite.

Board of State Harbor Commissioners.

To Committee on Commerce and Navigation.

The Bank Commissioners.

To Committee on Banks and Banking.

Railroad Commissioners.

Insurance Commissioners.

To Committee on Corporations.

Bureau of Labor Statistics.

To Committee on Labor.

The Fish Industries.

To Committee on Fish and Game.

Contagious diseases among live stock.

Agriculture.

Horticulture.

State weather service and crop statistics.

To Committee on Agriculture.

Supreme Court Commissioners.

Attorney-General.

The State Board of Equalization.

Concession of jurisdiction over lands purchased by the United States.

Captain John Mullan's appointment.

Train wrecking.

Admission Day.

To Committee on Judiciary.

State Capitol building and grounds.

A Governor's mansion.

The Marshall monument.

The archives of the State.

To Committee on Public Buildings other than Prison Buildings.

State printing.

To Committee on Public Printing.

Office of State Engineer.

Irrigation.

To Committee on Irrigation and Water Rights.

National Guard.

Veterans' Home at Yountville.

To Committee on Military Affairs.

The professional tramp element.

The State burial grounds.

To Committee on Public Morals.

The Chinese question.

To Committee on Chinese.

Division of the State.

To Committee of the Whole Senate.

Registration and election laws.

To Committee on Elections.

Swamp and overflowed lands.

To Committee on Swamp and Overflowed Lands.

The abolishment of commissions we recommend be referred to a special committee, in accordance with the suggestion of said message.

Respectfully submitted.

A. CAMINETTI,
E. H. HEACOCK,
A. F. JONES,
Special Committee.

The report was adopted.

CONCURRENT RESOLUTION.

By Mr. Yell :

Be it resolved by the Senate, the Assembly concurring, That a committee consisting of three members of the Assembly, and three members of the Senate, be appointed respectively by the President of the Senate and the Speaker of the House, as a Committee of Arrangement, whose duties shall be to make the necessary arrangements for a joint session of both branches of the Legislature in a memorial meeting, to be held at such time as such committee shall determine; at which joint session suitable proceedings shall be had and resolutions drafted memorializing the death of our late Governor, Washington Bartlett.

Adopted, and the Secretary instructed to transmit the same immediately to the Assembly.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows :

By Mr. Moffitt : Senate Bill No. 219—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo Meridian.

Referred to Committee on Education.

Also: Senate Bill No. 220—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending section four hundred and ninety-seven thereof, relating to street railroad corporations.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Conklin: Senate Bill No. 221—An Act appropriating the sum of two hundred and twenty-nine thousand dollars for the erection of additional buildings for the use of the Chronic Insane, to appropriate funds therefor, and to provide for the expenditure of the same.

Referred to Committee on Hospitals.

By Mr. McComas: Senate Bill No. 222—A bill to regulate and control the sale of intoxicating liquors.

Referred to Committee on Public Morals.

By Mr. Caminetti: Senate Bill No. 223—An Act to amend section one thousand six hundred and fifty-eight of the Code of Civil Procedure of the State of California, and to add two new sections to said Code, to be numbered sections one thousand seven hundred and two and one thousand seven hundred and three, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of Probate.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 224—An Act to amend section three hundred and sixty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Referred to Committee on Judiciary.

Also: Senate Bill No. 225—An Act relating to life insurance upon the natural premium plan.

Referred to Committee on Judiciary.

By Mr. Meany (by request): Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben. Cohen.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberger.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 236—An Act making an appropriation to reimburse the Japanese Government for money in the capture and extradition of Calvin Pratt, a fugitive from justice of this State.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 237—An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 239—An Act making an appropriation to pay the claim of Chas. E. Hughes.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Referred to Committee on Claims.

By Mr. Goucher: Senate Bill No. 241—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Crandall (by request): Senate Bill No. 242—An Act regarding the collection of licenses, fees, charges, impositions, and taxes from life insurance companies, organized under the laws of any State or country other than the State of California, and the making of statements, publications, certificates of authority, and the compelling of deposits of securities on the part of such companies.

Referred to Committee on Corporations.

Also (by request): Senate Bill No. 243—An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance.

Referred to Committee on Corporations.

By Mr. McGowan: Senate Bill No. 244—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Referred to Committee on Fish and Game.

By Mr. White: Senate Bill No. 245—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to contracts between husband and wife and regarding the presumptions attending the conveyance of property to a married woman.

Referred to Committee on Judiciary.

By Mr. Bowers: Senate Bill No. 246—An Act to amend, so as to make more specific, the section numbered one thousand three hundred and eighty-eight of the Penal Code of California, relating to the probationary treatment of juvenile offenders.

Referred to Committee on Judiciary.

Also: Senate Bill No. 247—An Act to further provide for the care and guardianship of homeless, neglected, or delinquent minors.

Referred to Committee on Judiciary.

STATE BOUNDARY.

Mr. Caminetti offered the following concurrent resolution (out of order):

Resolved by the Senate, the Assembly concurring, That the Committee on Counties, City and County, and Township Governments, of the Senate, and the Committee on Counties and County Boundaries of the Assembly, be and they are hereby instructed to consult with the committee of the Legislature of Nevada, in relation to the eastern boundary line of the State of California, with a view to facilitating legislation as to the correction of said boundary line by the States of California and Nevada.

Adopted.

MOTION.

Mr. Murphy asked that Senate Bill No. 62, referred to Committee on Counties, County Government, and Township Organization, be re-referred to the Committee on City, City and County, and Town Governments.

So ordered.

RECESS.

Thereupon, at twelve o'clock, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

The Senate reassembled at two o'clock P. M., President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceand, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Quorum present.

REPORT OF STANDING COMMITTEE.

The Committee on Engrossment submitted the following report:

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Engrossed Bills has carefully examined Senate Bills Nos. 3, 12, 15, and 37, and find the same correctly engrossed.

HAMILL, Chairman.

Adopted.

THIRD READING OF BILLS.

Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceand, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Title read and approved.

Also: Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

Read the third time, and passed by the following vote:

AYES—Messrs. Bates, Boggs, Bowers, Brice, Bratt, Byrnes, Carlinetti, Campbell, Canby, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Green, Hancock, Hinshaw, Jones, McDonald, McGowan, Mould, Murray, Murphy, Spickard, Welch, Williams and Yell—17.
NOES—Messrs. Bates, Bowers, Brice, Bratt, Byrnes, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Green, Hancock, Hinshaw, McGowan, Mould, Murray, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Title read and approved.

SPECIAL ORDER.

Senate Joint Resolution No. 1, the special order, was called for.

Mr. Bowers in the chair.

Mr. Yell moved that the resolution be referred to the Committee on Judiciary for investigation.

The motion was lost by the following vote:

AYES—Messrs. Boggs, Bratt, Carlinetti, Campbell, Canby, Crandall, Green, Hancock, Jones, McDonald, McGowan, Mould, Murray, Murphy, Spickard, Welch, Williams and Yell—17.

NOES—Messrs. Bates, Bowers, Brice, Bratt, Byrnes, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Green, Hancock, Hinshaw, McGowan, Mould, Preston, Roth, White, and Wilson—19.

The joint resolution was then read as a whole, as follows:

Senate Joint Resolution No. 1—Approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the sixth day of November, 1888.

WHEREAS, The City of Oakland, in Alameda County, is now, and at all times heren referred to was, a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants, and, whereas, at a special election duly held therein on the tenth day of December, 1887, according to law and to the provisions of section eight of article eleven of the Constitution of this State, a Board of fifteen freeholders, duly qualified, was duly elected to and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city, and, whereas, the same was, on the eighth day of March, 1888, signed in duplicate by a majority of the members of said Board of Freeholders and was, on the ninth day of March, 1888, returned and delivered, one copy thereof to the Mayor of said City of Oakland, and the other copy thereof to the Recorder of Alameda County (within which said city is situated), and, whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit, in "The Morning Times" and in the "Oakland Enterprise," in each instance for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter, and, whereas, said charter was submitted (within not less than thirty days after the completion of said publication) by the legislative authorities of said city, to wit, by the City Council thereof to the qualified electors of said city at a special election, previously duly called and thereunto held therein, on the sixth day of November, 1888, and, whereas, at said special election a majority of such qualified electors of said city voting at said special election, did vote in favor of, and did ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole as provided for in said section eight of article eleven of the Constitution, and, whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF OAKLAND,

Prepared and proposed by the Board of Fifteen Freeholders, elected December 10, 1887, in pursuance of the provisions of section eight, article eleven, of the Constitution of the State of California.

ARTICLE I.

OF BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of Oakland, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Oakland, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may

have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of Oakland, and sell, convey, mortgage, and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts, and donations of all kinds of property within and without the city, in fee simple, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The public buildings, lands, and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Oakland, are hereby declared to be vested in the said City of Oakland.

SEC. 3. The said City of Oakland shall continue to have, hold, and enjoy all public buildings belonging to the City of Oakland, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession, and action of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Oakland for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with said City of Oakland, whether made, or arising, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings in the Courts or elsewhere to which said city is a party shall continue to be carried on by or against the said City of Oakland.

BOUNDARIES OF THE CITY.

SEC. 5. The boundaries of the City of Oakland are as follows, to wit:

Beginning at the intersection of the center line of Telegraph Avenue, with the line between plots number ten and number eleven, as the same are shown and delineated on Kellersberger's map of the Rancho of V. and D. Peralta; thence south seventy-three and three fourths degrees east along the eastern projection of said line, between plots ten and eleven, crossing New Broadway and Webster Avenue, two thousand seven hundred and fifteen feet to the center of the creek which runs southerly from Mountain View Cemetery; thence down the center of said creek following the meanderings thereof, the direction of which meanderings are generally described by a line on the westerly bank of said creek by the following courses and distances, commencing on the aforesaid projection of the line between plots numbers ten and eleven, at a stake fifty-eight feet westerly from the center of said creek, measured along said projection; thence running south fifty degrees and forty-five minutes west, one hundred and thirty and six tenths feet to a stake one hundred and fifteen feet from said creek (which runs from Mountain View Cemetery); thence south eighteen degrees and seven one hundredths minutes west, seventy-nine and four tenths feet to a stake fifty-four and one half feet from said creek; thence south fifty-two degrees twenty-eight minutes west, eight hundred and fifty-five hundredths feet to a stake sixty feet from said creek; thence south twenty-two degrees twenty-eight minutes west, five hundred and forty-two and six tenths feet to a stake seventy-three feet from junction of westerly branch of said creek, from which stake a small oak tree on westerly bank of Cemetery Creek, one foot in diameter, bears magnetic south eighty-seven degrees east, twenty-eight and seven tenths feet distant, and a laurel tree, two feet in diameter, at junction of creeks, bears magnetic south three and one half degrees east, sixty-nine feet distant; thence from last said stake south twenty degrees and fifty-five minutes west, one hundred and fifty feet to stake in creek; thence south forty-one degrees and twenty-one minutes west, one hundred and eighty-four and eight tenths feet to stake in creek; thence south twenty degrees and forty-six minutes west, four hundred and sixty-six feet to tack in top of culvert in Prospect Avenue; thence south six degrees and thirty-four minutes west, one hundred and fifty-seven and one tenth feet to stake in creek; thence south twenty-five degrees and thirty-four minutes west, one hundred and twenty feet to stake in creek (from which two blazed oak trees on the easterly bank of creek are distant eleven and one half feet); thence south thirty-six degrees and nineteen minutes west (crossing fence at seventeen feet, two hundred and thirty-seven feet to stake, about twenty feet east of creek); thence south thirty-two degrees and fifty-one minutes west (crossing fence at four feet) at five hundred and thirteen and four tenths feet, in range with fence on north line of Bay Place, and twenty-eight and four tenths feet easterly from the southwest corner of land of Edson Adams, at five hundred and fifty-nine and one tenth feet, to tack in center of Bridge in Bay Place; thence south sixteen degrees and nineteen minutes east, six hundred and fifty-four and one tenth feet, to tack near southwest corner of bridge in Elm or Twenty-fourth Street; thence south eighteen degrees and nineteen minutes east, four hundred feet, to stake six feet west of ditch; thence north eighty-three degrees and fifty-four minutes east, two hundred and forty-nine feet, to stake number forty-two of the State Tide Land Survey, at the head of westerly arm of Lake Merritt; thence following the easterly shore of said arm of said lake south thirty-seven degrees east, one hundred and eighteen and eighty one hundredths feet, to station number forty-one, Tide Land Survey; thence south twelve degrees west, sixty-six feet, to station number forty of Tide Land Survey; thence south sixty-five degrees west, sixty-six feet, to station number thirty-nine of Tide Land Survey; thence south twenty-seven degrees and thirty minutes west, seventy-two

fence on the north western side of said county road; thence south seventy-six degrees fifty-one minutes east, three thousand three hundred and eighty-two feet to the middle of Sausal Creek; thence down the middle of Sausal Creek, as follows: South ten degrees forty-one minutes east, one hundred and twenty feet; thence south sixty-three degrees forty-nine minutes west, eighty-six feet; thence north fifty degrees twenty-six minutes west, one hundred and seven feet; thence south nine degrees thirty-eight minutes west, one hundred and ninety-seven feet; thence south thirty-five degrees fifty-seven minutes east, seventy-nine feet; thence south fifty degrees fifty-four minutes west, seventy feet; thence south five degrees thirty minutes west, three hundred feet; thence south twenty degrees twenty-eight minutes west, two hundred feet; thence south forty-five degrees twelve minutes east, one hundred and twenty-five feet; thence south thirty-four degrees forty-six minutes west, two hundred and eighty feet; thence south thirty-nine degrees four minutes west, one hundred and ninety-four feet; thence south fifty degrees fifty-three minutes west, one hundred and sixty feet; thence south sixty-eight degrees nineteen minutes west, seventy feet; thence south twenty degrees twenty-one minutes east, one hundred and thirty-five feet; thence, leaving Sausal Creek, north seventy-six degrees forty-one minutes west, along the northerly line of land of Stevens, two thousand one hundred and forty feet to the easterly line of Lynn; thence south thirteen degrees eight minutes west, along the easterly line of Lynn, five hundred and three and one half feet to the southeasterly corner of Lynn; thence north seventy-seven degrees fifteen minutes west, twenty-seven and one half feet; thence south twelve degrees fifty-three minutes west, one thousand seven hundred and eight feet; thence south fifty-five degrees forty-seven minutes east, forty-nine and one half feet; thence south thirty-six degrees forty-five minutes west, one thousand four hundred and sixty and six tenths feet to the northern corner of the Fifty Associates' Tract; thence south fifty-three degrees fifteen minutes east, along the northeasterly line of the Fifty Associates' Tract, one thousand four hundred and ninety-one and six tenths feet to the easterly corner of said tract; thence south thirty-six degrees forty minutes west, one thousand four hundred and twelve feet to the southerly line of the "old county road" to San Leandro; thence north eighty-five degrees fifty minutes west, along the southerly line of said county road, nine hundred and thirty-four and one half feet to the northerly line of the Cannon Tract; thence south fifty-three degrees fourteen minutes east, six hundred and thirty-nine feet to the easterly corner of land formerly owned by Sevin Vincent; thence south thirty-six degrees thirty-eight minutes west, eight hundred and eighty-two and eighty-five one hundredths feet to the southwesterly line of East Fourteenth Street; thence north fifty-three and one fourth degrees west, one hundred and eighty-seven feet along said line of East Fourteenth Street to the southeasterly line of the Kennedy Tract; thence south thirty-six degrees forty-five minutes west, seven hundred and sixty-six feet to the southwesterly line of the right of way of the Southern Pacific Railroad; thence south forty-nine degrees twenty-two minutes east, along said line of right of way, one thousand four hundred and forty-seven and thirty-two one hundredths feet, to the easterly corner of the Knowles and Potter Tract, formerly known as the Kennedy Tract; thence south thirty-six degrees forty-five minutes west, eight hundred and sixty-seven and forty-four one hundredths feet to the southerly corner of the said Knowles and Potter Tract; thence south thirty degrees twenty-five minutes west, two thousand and seventy-five feet to the center of the bridge on Park Avenue, at the intersection of said avenue with the Encinal line of the town of Alameda; thence westerly, following the center of the slough and the center of the estuary of San Antonio to ship channel in the Bay of San Francisco; thence northerly and westerly along ship channel to its intersection with the westerly projection of the line between plots numbers ten and eleven, as the same are shown and delineated on Kellersberger's map of Vicente and Domingo Peralta's Rancho, in Alameda County, State of California; thence running along said westerly projection and said line between said plots south seventy-three degrees forty-five minutes east, to the point of beginning.

DIVISION INTO WARDS.

Sec. 6. The City of Oakland shall be divided into seven wards, the respective boundaries of which shall be as follows, to wit:

First Ward—Commencing at the intersection of the center line of Adeline Street, with the northern boundary line of the City of Oakland, and running thence southerly along the center line of Adeline Street and its southerly projection thirteen thousand four hundred feet, more or less, to the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the westerly boundary line of the City of Oakland, said boundary line being the ship channel in the Bay of San Francisco; thence northerly along the said ship channel to its intersection with the westerly projection of the northern boundary line of the City of Oakland; thence easterly along the said northern boundary line to the place of beginning.

Second Ward—Commencing at the intersection of the center line of Adeline Street and the northern boundary line of the City of Oakland, and running thence easterly along the said northern boundary line of the City of Oakland six thousand nine hundred feet, more or less, to the center line of Cemetery Creek; thence southerly along the center of said creek to the westerly arm of Lake Merritt; thence southerly along the easterly shore of said arm of Lake Merritt to the easterly projection of the center line of Twentieth Street; thence westerly along said projection and the center line of said Twentieth Street to the intersection of its westerly projection with the center line of Adeline Street seven thousand feet, more or less, said point of intersection being about three hundred and eighty

feet north of the intersection of the Encinal line with the center line of Adeline Street thence northerly along the center line of Adeline Street five thousand and forty feet, more or less, to the point of beginning.

Third Ward—Commencing at the intersection of the center lines of Tenth and Adeline Streets, thence northerly along the center line of Adeline Street two thousand eight hundred feet, more or less, to its intersection with the westerly projection of the center line of Twentieth Street; thence easterly along the center line of Twentieth Street five thousand and fifty feet, more or less, to the intersection of the center lines of Twentieth Street and New Broadway; thence southerly along the center lines of New Broadway and Broadway three thousand and forty feet, more or less, to its intersection with the center line of Tenth Street; thence westerly along the center line of Tenth Street four thousand five hundred feet, more or less, to the point of beginning.

Fourth Ward—Commencing at the intersection of the center line of Tenth and Adeline Streets, and running thence easterly along the center line of Tenth Street four thousand five hundred feet, more or less, to the intersection of the center lines of Tenth and Broadway; thence southerly along the center line of Broadway three thousand three hundred feet, more or less, to its intersection with the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the southerly projection of the center line of Adeline Street; thence northerly along the center line of Adeline Street five thousand six hundred feet, more or less, to the point of beginning.

Fifth Ward—Commencing at the intersection of the center lines of Broadway and Tenth Streets, and running thence northerly along the center lines of Broadway and New Broadway three thousand and forty feet, more or less, to the intersection with the center line of Twentieth Street; thence easterly along the center line of Twentieth Street and its easterly projection to the easterly shore line of the westerly arm of Lake Merritt; thence northerly along the easterly shore line of the westerly arm of Lake Merritt to its intersection with the old charter line; thence easterly along the said old charter line across Adams' Point to the center line of the easterly arm of Lake Merritt; thence southerly along the center line of Lake Merritt and the estuary to its intersection with the easterly projection of the center line of Tenth Street; thence westerly along the center line of Tenth Street to the place of beginning.

Sixth Ward—Commencing at the intersection of the center lines of Broadway and Tenth Streets, and running thence easterly along the center line of Tenth Street four thousand feet, more or less, to the intersection with the center line of the estuary; thence southerly along the center line of the estuary to its intersection with the center line of the estuary of San Antonio; thence westerly along the center line of the estuary of San Antonio to its intersection with the southerly projection of the center line of Broadway; thence northerly along the center line of Broadway three thousand three hundred feet, more or less, to the place of beginning.

Seventh Ward—Commencing at the intersection of the old charter line of the City of Oakland with the center line of the easterly arm of Lake Merritt, and running thence westerly along the said charter line to its intersection with the westerly shore of the easterly arm of Lake Merritt; thence northeasterly along said westerly shore of said easterly arm of Lake Merritt, as described in the description of the boundaries of the City of Oakland, to the head of said easterly arm; thence southeasterly along the easterly shore of said easterly arm of Lake Merritt to Lake Shore Avenue, at station four (4) of Tide Land Survey; thence northeasterly along Lake Shore Avenue and Lake Avenue, as described in said boundaries of the City of Oakland, and thence following said boundaries of the City of Oakland easterly and thence southerly to the bridge at the Encinal line of the Town of Alameda; thence following the said boundaries along the estuary of San Antonio to the southeasterly corner of the Sixth Ward, heretofore described; thence northeasterly along the center of the arm of the estuary leading to Lake Merritt; and thence along the center of Lake Merritt and its easterly arm to the point of beginning.

ARTICLE II.

ELECTIONS.

SEC. 7. General municipal elections shall be held biennially on the second Monday in March, commencing with the second Monday in March next after the adoption of this charter. At each general election, there shall be elected a Mayor, eleven members of the Council, eleven members of the Board of Education, an Auditor who shall be ex officio Assessor, a Treasurer who shall be ex officio Tax Collector, a Police Judge, and two Justices of the Peace.

SEC. 8. The provisions of title two, part three, of the Political Code, relating to elections, and all laws amendatory thereof and supplemental thereto, and all rights, duties, liabilities, and restrictions arising thereunder, not inconsistent with the provisions of this charter, are hereby, so far as the same can be applied, made applicable to all municipal elections; and the respective officers of the city shall have, possess, and perform such powers and duties in all matters relating to municipal elections as are by law conferred or imposed upon county officers and officers of election in State and county elections; and to that end all rights, powers, and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred upon the Council; and all rights, powers, and duties so by law conferred or imposed upon the County Clerk are hereby conferred and imposed upon the City Clerk, except as in this charter provided.

SEC. 9. In establishing election precincts, the Council shall make them as geographically compact as possible, and so that no precinct shall have more than four hundred electors therein.

SEC. 10. Only such persons residing in the city, whose names appear upon the Great Register of Alameda County at the time of any municipal election, shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause authenticated copies of such Great Register to be made and used at and for all municipal elections.

SEC. 11. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 12. The legislative power of the City of Oakland shall be vested in a Council of eleven members, whose term of office shall be two years.

SEC. 13. One member of the Council shall be elected from each of the seven wards of the city, each of whom shall at the time of his election be a resident of the ward from which he was elected. Four members of the Council shall be elected from the city at large, but no two of the latter shall at the time of election be residents of the same ward.

SEC. 14. The Council shall meet on the second Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor, the President of the Council, or five members of the Council. Seven members of the Council shall be a quorum, and the affirmative vote of six members shall be necessary to pass any measure, but a less number than seven may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe.

SEC. 15. The Council shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than nine members of the Council.

SEC. 16. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of nine of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

SEC. 17. The President of the Council, and the Chairman of each committee thereof, shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by its committees.

SEC. 18. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be reenacted at length as amended.

SEC. 19. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 20. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

SEC. 21. Every bill, after it has passed the Council, shall be signed by the President thereof, and every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 22. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than eight members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive eight affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

SEC. 23. The action of the Council shall be by ordinance or resolution. To constitute an ordinance, a bill must before final action thereon be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished, as amended, for not less than five days. No action providing for any specific improvement, or the granting of any privilege or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than five hundred dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken except by ordinance.

SEC. 24. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 25. The Council shall, in the year one thousand eight hundred and ninety, and every tenth year thereafter, redistrict the city into seven wards, making the same as nearly equal in population and as geographically compact as possible; but the city shall not be so redistricted within ninety days previous to any municipal election.

SEC. 26. The Council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinance, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every three years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed.

SEC. 27. The enacting clause of all ordinances shall be in these words: "Be it ordained by the Council of the City of Oakland, as follows."

SEC. 28. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

SEC. 29. No contract for the supplying of water for the use of the municipality, in any of its departments, shall be made wherein the rates exceed those charged to other consumers.

SEC. 30. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Auditor, numbered, and registered in a book kept for that purpose.

SEC. 31. Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets, erecting of gas and electric lights therein; the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, sign-posts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street, or from houses or other buildings; public cries, advertising, and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish, through the Board of Public Works, a general and comprehensive system of sewers in the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting and watering of the streets, avenues, and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate, under the superintendence of the Board of Public Works, the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings, or any buildings composed of combustible material therein, and for restricting the height of buildings or structures.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibitions, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitro-glycerine, and other explosives or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, wash houses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort; and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals, to establish a pound, and to authorize the destruction or impounding of any animals running at large.

17. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind as are necessary for the convenient transaction of public business, all of which shall be provided by the Board of Public Works upon requisition of the Council, when the expenditure to be incurred may exceed one hundred dol-

lars. The Council shall annually, at its first regular meeting in May, make such requisition for whatever it shall judge necessary for the ensuing fiscal year, and shall make other requisitions from time to time, as occasion may require. The requisitions shall state in clear and explicit terms the quantity and kind of supplies, material, or work needed, and how, when, and where to be delivered or performed.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cess-pools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam boilers, the location of telegraph and telephone poles and wires, awnings, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands and regulate the rates of charges of hacks and other licensed vehicles.

22. To regulate the entrance to, and exit from, theaters, lecture rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the method of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city, for the use of water supplied to the city or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

27. To regulate the speed of railway engines, and to require railroad companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads along, upon, and across or elevated above or placed below any streets of the city: *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby, and that, except in that portion of the city which is designated in the following subdivision of this section, such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of two thirds of the members of the Council, and upon the previous petition in writing of the owners of two thirds of the front feet of lands upon that part of the street to be so used. Such grants shall be without prejudice to the rights of non-consenting owners to compensation for damages.

29. It shall be the duty of the Council, and the Council is hereby required to grant to any railroad company or corporation applying therefor, a franchise to lay and maintain tracks along any line selected by the applicant, and to pass with steam railroads along, upon, and across, or elevated above or placed below any street or streets within that portion of the city which lies west and south of a dividing line commencing at the point where the east line of Halleck Street intersects the present charter line of the city; and running thence southwardly in a straight line to the northwesterly corner of Block No. 770; thence southwardly along the east side of Wood Street to the northeasterly corner of Taylor and Wood Streets; thence on a curve with a radius of three quarters of a mile to a point where said curve intersects the south line of the right of way of the Western Pacific Railroad Company, now occupied by the Southern Pacific Company, near the foot of Cypress Street, extended southwardly; and thence along the said line of said right of way of the Western Pacific Railroad Company until the same intersects the present eastern charter line of the city. And in case that the limits of the city be hereafter extended northwardly and eastwardly, the said dividing line shall be extended northwardly to the northern limit of the city, keeping parallel with and three hundred feet east of the right of way of the Northern Railway Company, and shall be extended eastwardly to the eastern limit of the city, keeping along the southerly line of said right of way of the Western Pacific Railway Company. And the Council shall, upon said portion of the city, grant equal privileges, subject to the general laws of the State of California, to all railroad companies or corporations to enter the city and operate and maintain railroads for the convenience of the public to, and upon the waterfront of the city; and shall grant to such companies or corporations, without discrimination between them, the right to construct and maintain freight and passenger depots, engine-houses, workshops, wharves, docks, slips, ferries, landing places, and other terminal facilities; *provided*, that no franchise for right of way exceeding fifty feet in width and no franchise for terminal facilities upon land exceeding one thousand feet of frontage on the waterfront shall be granted to any one company or corporation, or to any companies or corporations under one management or control.

30. The Council shall, upon the portion of the city designated in the preceding subdivision of this section, grant, subject to general laws, to all companies or corporations desiring to acquire or condemn property for public uses, equal privileges to construct and

maintain wharves, docks, slips, landing places, ferries, warehouses, and other property devoted to public uses, but not upon land exceeding one thousand feet of frontage upon the waterfront to any one company or corporation, or to any companies or corporations under one management or control.

31. The Council as soon as practicable shall cause to be prepared by the Board of Public Works a map of all that portion of the city which lies west and south of the dividing line aforesaid, upon which map it shall lay out a general and complete plan of harbor improvement, and designate what lands are necessary for the public uses of avenues or highways to the waterfront, and for terminal facilities for railroads and for open slips, canals, and docks for the accommodations of vessels, and for public wharves, landing places, warehouses, and other public uses; and all franchises granted under subdivisions twenty-nine and thirty of this section shall be made to conform to said plan.

32. The grant of a franchise under subdivisions twenty-eight to thirty inclusive shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

33. To grant the right to construct and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning-signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, and across the streets; *provided*, that said appliance be so constructed as not to interfere with the free use of the sidewalks and streets.

34. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

35. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

36. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

37. To grant franchises for the construction of street railroads on and along the streets of the city; *provided*, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay at the expiration of five years after said railroad is completed, and thereafter semi-annually the largest percentum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are of the most approved flat rail pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years.

38. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

39. To establish a City Hospital and to provide for its maintenance.

40. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

41. To provide water for the uses of the city and its inhabitants.

42. To provide for the execution of all trusts confided to the city.

43. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

44. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

45. To establish a House of Correction and Reformation for juvenile offenders.

46. To grant to the Associated Charities of the City of Oakland a sum not to exceed one hundred and fifty dollars per month, to be expended in accordance with the articles of incorporation of that association.

47. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

48. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance.

49. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

50. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

OF THE MAYOR.

SEC. 32. The Mayor shall be the chief executive officer of the city, and his term of office shall be two years.

SEC. 33. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Boards, officers, and persons are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests. He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of book-keeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 34. He shall, at least once in three months, together with a majority of the Finance Committee of the Council, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 35. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporation failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been, or is about to be, violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office.

SEC. 36. The Mayor may call special meetings of the Council. The action of the Council, at special meetings, shall be confined to matters specified in the notice.

SEC. 37. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for the purpose. A member of the Council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 38. The Mayor may, when authorized by the Council so to do, appoint a Clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

SEC. 39. The Council shall appoint a City Clerk to hold office for the term of two years from the date of his appointment, unless sooner removed by resolution. His duties shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions; and perform such other duties relating to his office as the Council shall direct. He shall have the power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor.

AUDITOR AND ASSESSOR.

SEC. 40. The Auditor shall be ex officio Assessor. As Assessor he shall perform all the duties prescribed by this charter or by law, for assessing property in the city for purposes of taxation. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth

in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue were derived and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in the charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and out of what fund. After such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it with his reasons for rejecting it, to the Council, Board, or other body which originally authorized it; then, if it is allowed by a majority vote of all the members of the Council, or of the members of the Board or other body authorizing it, and approved by the Mayor, it can be audited in the same manner as if it had not been rejected; *provided*, the said Council, Board, or other body had the authority to make the expenditure out of which the claim arose. No demand upon the City Treasury shall be considered, presented for action, or acted upon, allowed, or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him; and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment in the same order as allowed. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance or other regulation of the Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

TREASURER.

SEC. 41. The Treasurer shall be ex officio Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city; and he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank, any of the moneys of the city, or allow the same (except in payment of demands against the city) to pass out of his custody. If he shall violate any of the provisions of this section he shall forfeit his office, and be forever disqualified from holding any position in the service of the city. As soon as possible after the adoption of this charter, the Council shall provide suitable vaults and safes for the use of the Treasurer.

PAYMENTS AND COLLECTIONS.

SEC. 42. All fees and other moneys received or collected by any officer, agent, or employé of the city (excepting only such fees as the City Engineer may be authorized by ordinance to collect) shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the city treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé, who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the city treasury all fees or moneys theretofore received by him or collected.

OATH.

SEC. 43. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of [— —] to the best of my ability."

SALARIES OF OFFICERS.

SEC. 44. The compensation of officers and employés of the city shall be per annum as follows: Mayor, three thousand dollars; Treasurer and Tax Collector, three thousand

dollars; Auditor and Assessor, three thousand dollars; City Attorney, two thousand four hundred dollars; City Clerk, one thousand five hundred dollars; City Superintendent of Schools, two thousand five hundred dollars; Superintendent of Streets, one thousand five hundred dollars; Chief of Police, two thousand one hundred dollars; Police Judge, two thousand four hundred dollars; Chief of Fire Department, one thousand eight hundred dollars; City Engineer, six hundred dollars; policemen, one thousand two hundred dollars; members of Board of Public Works, each two thousand four hundred dollars; members of the Council, each four hundred and eighty dollars. Two policemen may be detailed as Captains of Police and two as detectives. Those so detailed shall be paid three hundred dollars per annum each in addition to their regular salary as policemen.

OFFICIAL BONDS.

SEC. 45. Every officer provided for by law, shall, before entering upon the duties of his office, and within ten days after the mailing or delivery to him of his certificate of election or appointment, file an official bond in such sum as the Council may, by resolution, approved by the Mayor or passed over his veto, direct, payable to the city, which bond shall be subject to the law concerning official bonds of officers. All official bonds shall be approved by the Mayor and City Attorney (except that of the Mayor, which shall be approved by the Treasurer and City Attorney, and also except that of City Attorney, which shall be approved by the Mayor and Treasurer), the approval to be indorsed thereon; and said bonds shall be filed and kept in the office of the Auditor, and must also be recorded forthwith, at the expense of the party giving the same, in the office of the City Clerk, in a book kept for that purpose. The official bond of the Auditor, after recording, shall be filed and kept in the office of the Mayor. The City Council may, at any time, require an additional amount or new sureties upon any official bond which it may determine insufficient; and must require an additional bond or new sureties whenever a surety thereon shall die or become insolvent or cease to be a resident of the State. If such additional bond or additional security be not given, the Council, upon notification thereof by the Mayor, must declare the office vacant; and as soon as such declaration is made the office becomes vacant. No official bonds shall be approved unless the sureties thereon shall justify in the manner provided for in the Political Code for the justification of the official bonds of county officers; and all persons offered as sureties on official bonds must be personally examined on oath as to their qualification, by the officers whose duty it is to approve the bond. No officer or employé of the city, nor member of the Council, shall be surety upon the official bond of any other officer of the city.

ARTICLE V.—JUDICIAL DEPARTMENT.

CITY ATTORNEY.

SEC. 46. The Mayor shall, by and with the advice and consent of the Council, appoint an attorney for the city, who shall be known as the City Attorney. His term of office shall be two years. He shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of this State, and shall have actually been engaged in the practice of his profession for the period of at least five years before his appointment. It shall be his duty to prosecute, on behalf of the people, all criminal cases growing out of violations of the city ordinances and resolutions, and to attend to all suits and other matters in which the city may be legally interested; to give his advice, or opinion, in writing, whenever required by the Mayor, Council, Board of Education, or Board of Public Works, and to do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the Council, except his own bond. His bond shall be drafted and approved by the Mayor.

COURTS.

SEC. 47. The judicial power of the city shall be vested in a Police Court, and in such Justices' Courts as are or may be provided for by law.

POLICE COURT.

SEC. 48. A Judge of the Police Court shall be elected to hold office for two years.

SEC. 49. The Police Court shall have exclusive jurisdiction:

1. Of all proceedings and prosecutions for violation of any ordinance of the city.
2. Of all prosecutions for misdemeanors committed within the limits of the city, jurisdiction of which is now or hereafter may be conferred by law upon Police or Justices' Courts.
3. Of all actions, prosecutions, and proceedings, jurisdiction of which is now or hereafter may be conferred by law upon Police Courts.
4. Of proceedings for security to keep the peace.

SEC. 50. The Judge of said Court shall have jurisdiction to hold an examination in cases where a person is charged with having committed a felony or misdemeanor triable only in the Superior Court, and after such hearing to commit an offender to jail for trial in the Superior Court, or admit him to bail, as provided by law.

SEC. 51. In all cases over which said Court has jurisdiction, it may try, render judgment, and carry its judgment into execution, as the case may require, according to law, and shall have power to issue warrants of arrest, subpoenas, and all other processes necessary to the full and proper exercise of its power and jurisdiction.

SEC. 52. The said Court shall have power to impose such fine or penalty as may be prescribed by law or ordinance upon any person duly convicted, and may also, in default of payment of a fine so imposed, direct that the party convicted be imprisoned in the City Prison, and be employed at labor, during reasonable hours of the day (Sundays and holidays excepted), on any public work or improvement of the city, or upon any public street, sewer, plaza, or square of the city, as the Council may prescribe, at the rate of one dollar per day, until the fine so imposed be satisfied.

SEC. 53. The said Court may punish for contempt in the manner and to the extent provided by law.

SEC. 54. The Police Court shall have a Clerk, to be appointed by the Police Judge, whose term of office shall be two years. He shall keep a record of the proceedings of the Court, issue all processes ordered by said Court, or the Judge thereof, and shall render to the Auditor, monthly, on the first Monday of each and every month, and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected since his last account was rendered. He shall receive and be the custodian of all costs, bail, or money deposited as bail by any person charged with the commission of a public offense. He shall also have power to administer oaths and affirmations, and take and certify thereto in any proceedings in said Police Court.

SEC. 55. The Police Judge and the Clerk shall attend, at the room of said Court, for the dispatch of business daily, from the hour of nine o'clock A. M. until five o'clock P. M., legal holidays and non-judicial days excepted. The Court shall always be open for business.

SEC. 56. The Clerk shall pay to the Treasurer of the city, on the first Monday of each month, all fines collected and bail forfeited, and all other moneys collected by him, accompanied by a verified statement, showing from whom each fine was collected, in what case, specifying the offense and amount, and by whom such bail was forfeited.

SEC. 57. Any Justice of the Peace of the city who may be designated in writing by the Mayor, shall have power to preside in and hold the Police Court of the city in the event of the temporary absence of the Police Judge, or of his inability to act, or when from any cause the Police Judge is disqualified from acting. During such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are, or may be, conferred by law upon said Police Judge or Court.

SEC. 58. The Police and Fire Commissioners shall designate a policeman, who shall always attend on the Police Court and act as Bailiff thereof.

JUSTICES' COURTS.

SEC. 59. Two City Justices of the Peace shall be elected, whose terms of office shall be two years. Their Courts shall always be open, legal holidays excepted.

SEC. 60. The Justices' Court, and the Justices thereof, shall have the powers and jurisdiction which are now or may be prescribed and conferred by law upon the City Justices of the Peace and City Justices' Courts, *provided, however*, that within the corporate limits of the city the City Justices of the Peace and City Justices' Courts shall have exclusive jurisdiction and power over all matters, actions, and things, which are now or may be conferred by law upon Justices of the Peace; *and, provided further*, that they shall not have the power to try or decide any public offenses whereof the Police Court of said city has jurisdiction.

SEC. 61. Each Justice of the Peace shall pay to the Treasurer of said city, on the first Monday of each month, all fines by him collected, and all fees which are by law chargeable for services rendered by him, accompanied by a verified written report, showing the amount thereof, from whom, and in what case such fines and fees were collected and paid. A copy of this report shall, at the same time, be filed with the Auditor. All such fines and fees shall go to the credit of the General Fund.

SEC. 62. The Justices' Courts herein provided for are intended to be the Justices Courts provided for by general law, and nothing herein contained shall be construed to authorize the election of more than two Justices of the Peace for the city.

ARTICLE VI.

DEPARTMENT OF PUBLIC WORKS.—CHAPTER I.

SEC. 63. There shall be a Department of Public Works under the management of three Commissioners, who shall constitute the Board of Public Works. The Commissioner shall be appointed by the Mayor from among the qualified electors of the city. Their terms of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall at their first meeting so classify themselves by lot, that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 64. Immediately upon their appointment and qualification, the Commissioners shall organize as a Board, and elect one of their number President, who shall hold his

office for the term of one year; and they shall elect a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks, and employes; and may require bonds from any of its subordinates for the faithful performance of their duties.

Sec. 65. The Board shall hold a regular meeting once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting of the Board, except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had, or such as may have been specified in the notice of the meeting.

Sec. 66. The Board shall cause to be kept a record of its proceedings; and shall keep all maps, plans, specifications, estimates, contracts, certificates, receipts, surveys, field notes, and profiles belonging to the city, and all papers pertaining to the transactions of the Board. It may, when it shall deem it expedient, and shall, when requested by the Council or the Board of Education or the Mayor, furnish such data or information as may be requested.

Sec. 67. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe.

Sec. 68. The Board may appoint such employes as are herein provided for, or as may be authorized by the Council. The salaries of all officers, clerks, and employes of the Board, except so far as the same are designated in this charter, shall be fixed from time to time by the Council in its discretion on recommendations by the Board.

Sec. 69. The Board shall immediately after its organization take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives, and property belonging to said city, heretofore kept by or in the offices of the City Engineer, the City Marshal, and the Wharfinger.

Sec. 70. The Board shall have charge and superintendence of all public work of every kind, not otherwise controlled by general laws, to be done for the city or for the Board of Education or any other department, and also of the furnishing of all material and supplies for public use or for the use of the Board of Education or for any other department, except as otherwise provided in this charter. It shall be the duty of the Board vigilantly to inspect all parts of the city, and to recommend from time to time to the Council such work as it shall deem necessary or proper.

Sec. 71. The Board shall have special charge, superintendence, and control, subject to such ordinances as the Council may from time to time adopt, of the harbor and water front, and of all streets, sidewalks, highways, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvement and repair thereof; of all sewers, drains, and cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets, and of all repairs upon accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the city, or under its authority, and of the repair of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the city; and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the city. The Board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of the city, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and the construction of entrances thereto; the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences inclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, or other electrical purposes, and the laying of telegraph or telephone wires, and wires for electric lighting or other electrical purposes; the construction of drains and sewers; the laying down or taking up of gas, steam, and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in San Antonio Creek, or elsewhere within the limits of the city; the manner of using the streets, sidewalks, wharves, harbors, parks, and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of the streets, sidewalks, and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from the person or persons by whom such street or sidewalk was

injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Council, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the work shall be done.

SEC. 72. The Board shall appoint a civil engineer, who shall have had at least ten years' practical experience as such, who shall be designated City Engineer. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Council, or by any general law of the State of California. He shall possess the same power in the city in making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys, and certificates made by him, shall have the same validity and be of the same force and effect as are or may be given by law to those of County Surveyor. With the consent and approval of the Board, the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Council, as the duties of his office may require.

SEC. 73. The Board shall appoint a Superintendent of Streets, whose duty shall be to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of all sewers, and keep himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as the Board may require of him, and he shall have the power and shall perform the duties required of the Superintendent of Streets by the Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or by any Acts amendatory thereof, supplementary thereto, or substituted therefor. He shall keep a public office in some convenient place within the city, and shall keep therein the records of his office and a register of all streets accepted by the city, with an index for easy reference. He shall, before entering upon the duties of his office, give bonds to the city with such sureties and for such sum as may be required by the Council; and should he fail to see the laws, ordinances, and regulations relating to the public streets and highways carried into execution after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in person or property in consequence of said official neglect.

SEC. 74. The Board may, whenever it shall deem it advisable, appoint an architect, who, under the direction and control of the Board, shall prepare plans and specifications of the work to be done; make necessary drawings and estimates of the cost of the same; judge of and determine the quality and durability of the materials that may be furnished for the construction or repair of any public building, and approve of or reject the same, and take special care that all work be done in a good, substantial, and workmanlike manner, and in accordance with the drawings, plans, and specifications.

SEC. 75. The Board may also, whenever it shall deem the same advisable, appoint a Superintendent of Public Works, who shall be a master builder, and who shall, when any public building is in the course of construction or of repair, or when any material to be used in its construction or in its repair are being furnished, be in attendance at said building and see that the work is done in a good, substantial, and workmanlike manner, and that the material used or furnished are of the description, quality, and quantity called for by the specifications and contract. All work upon public buildings under the control of said Board shall be done under the immediate supervision of said Superintendent, and all materials used in the construction or repair thereof shall be furnished under his immediate supervision.

SEC. 76. All officers, employés, and agents appointed by the Board shall hold office during the pleasure of the Board.

SEC. 77. The Board of Public Works shall, within the time specified in the requisitions made upon it by the Council or by the Board of Education or other department of the city thereunto authorized, procure and cause to be done, such construction, improvement, addition, or repairs, and printing, and other work of any kind as may be required of it.

SEC. 78. All public work authorized by the Council to be done under the supervision of the Board, and not within the provisions of the general law of the State of California operating thereon, and all work for which the Board of Education shall make requisition upon the Board of Public Works, shall be done under written contract, except in case of urgent necessity as hereinafter provided. Before awarding any contract for doing work authorized by this chapter, the Board shall cause notice inviting sealed proposals for the contemplated work to be posted conspicuously in its office and published for not less than five days; and in case that the estimated cost of the work exceed five thousand dollars, to be so posted and published for not less than twenty days; except that when any repair or improvement not exceeding an estimated cost of two hundred dollars shall be deemed of urgent necessity by the Board, such repair or improvement may be made by the Board, under written contract or otherwise, without advertising for sealed proposals.

SEC. 79. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour at the office of the Board, for furnishing the materials for the pro-

posed work, or for doing said work, or for both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full details and description of said work and materials.

Sec. 80. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be canceled and no recovery shall be had thereon, and the Board shall proceed as before to award a new contract. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have any erasure or interlineation, it shall not be received or considered by the Board. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Council, for an amount not less than ten per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

Sec. 81. On the day and at the hour specified in said notice inviting sealed proposals, the Board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary, and shall, thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The checks accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the Street Department Fund. Neither the Board of Public Works nor the Council nor the Board of Education shall have power to relieve from or remit such forfeiture.

Sec. 82. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the Board shall advertise for a new contract for said work.

Sec. 83. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education, where the work is done upon requisition of that Board, and in other cases with the City Clerk; one thereof, with said specifications and drawings, shall be kept in the office of the Board, and the other, with said specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the Secretary of the Board, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount, for the faithful performance of said contract. No surety on any bond shall be taken

unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all his just debts and liabilities exclusive of property exempt from execution, and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceed three thousand dollars and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond, if the whole amount be equivalent of two sufficient sureties. The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Council shall not pay or allow to him any compensation for any work done by him under said contract.

SEC. 84. The Board of Public Works shall, within the time specified in the requisitions made upon it by the Council or by the Board of Education or other department of the city thereunto authorized, procure and furnish such material and supplies as may be required of it. The Board of Public Works shall invite sealed proposals for furnishing the material and supplies so required by notices to be posted conspicuously in its office and published for five days, and in case the estimated cost exceed five thousand dollars, to be so posted and published for ten days, and shall award contracts therefor to the lowest bidder upon his giving security satisfactory to the Board.

SEC. 85. The notices inviting proposals for work to be done and materials and supplies to be furnished as provided for in this chapter, shall specify for what department the requisition is made, and shall require the work done and the material and supplies furnished to be subject to the approval of such department; and all contracts must contain a provision to that effect, and also to the effect that the work done and material and supplies furnished must be in accordance with the specifications and to the satisfaction of the Board of Public Works. When said work shall have been completed, or material and supplies furnished to the satisfaction of the Board of Public Works, it shall so declare by resolution, and shall deliver to the contractor a certificate to that effect.

SEC. 86. The Commissioners shall not, nor shall either of them, or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, or material entered into by the Board; nor shall either of such Commissioners, officers, or employés be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void, and the receipt of any such gratuity shall be cause for the immediate removal from office, or from employment, of the person so receiving it, and he shall be forever disqualified from holding any position in the service of the city.

CHAPTER II. OPENING OF STREETS.

SEC. 87. The Council is empowered to open, straighten, extend, and widen streets, and to modify the boundaries and change the grades thereof, and to determine the property benefited thereby, and to assess the expenses of such improvement upon the property benefited.

SEC. 88. All proceedings under this chapter shall be commenced by petition, signed by five or more residents and freeholders within the city, addressed to the Council, and filed with the City Clerk.

SEC. 89. The petition shall contain:

First—The names of the petitioners, and the statement that each of the petitioners is a resident and freeholder within the city.

Second—A statement that in the opinion of the petitioners the public interest requires that the improvement (describing it generally) should be made.

Third—A request that the Council proceed to order the improvement made.

SEC. 90. Upon the filing of such petition the Council shall refer the same to the Board of Public Works, which shall determine whether, in its judgment, the said improvement or some modification thereof would be of public benefit, and shall report its decision to the Council. If the Council determine that the improvement described in the petition or some modification thereof be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the proposed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall, by resolution, define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall thereupon publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board within the said twenty days accurate descriptions of the lots or parcels of land owned by them respectively and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Council may by resolution allow, the

Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Council a report of its action, embracing an accurate description of each lot, piece, or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces, or parcels of land are respectively assessed upon the assessment roll of the said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey. Upon receiving the said report from the Board of Public Works, the Council shall, by resolution, adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same the matter shall be referred back to the Board of Public Works, until the proposed improvement, and the district to be benefited thereby, shall conform to the views of the Council; and the Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Council by owners of land to be taken or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen days, Sundays and non judicial days excepted, during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Council resolves to proceed with the improvement may refer to the resolution declaring its intention to make the improvement by its number without embodying its description, and shall order the improvement to be made by the Board of Public Works. The Council shall forthwith transmit to the Board of Public Works a copy of the said ordinance and of the resolution to make the improvement.

SEC. 91. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of the city to condemn as provided by law, under the right of eminent domain, the lands or interest therein to be taken or damaged for the said improvement. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done, shall be conclusive evidence of such necessity. As soon as the amounts to be paid for the land to be taken and the lands to be damaged shall by the said proceedings be finally ascertained and determined, the Board of Public Works and the Council shall proceed as hereinafter provided, to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 92. The Board of Public Works shall ascertain and determine, as nearly as may be, the entire cost of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceedings, and shall apportion and assess the whole amount of such value, costs, and expenses upon the property within the district declared by the resolution of the Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount according to the benefits derived by it, in the judgment of the Board, from the said improvement.

SEC. 93. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Council, the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of the owners, as far as they can be ascertained, and describing accurately the several parcels of land within the district to be benefited, and the names of the owners thereof, as far as they can be ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 94. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by posting and publication for not less than fifteen days.

SEC. 95. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party interested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm, or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Council.

SEC. 96. The Council shall by ordinance confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may by resolution refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall by ordinance finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

Sec. 97. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement. The ordinance shall direct the sale of each parcel of land so assessed, or of so much thereof as may be necessary to pay the amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expense of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

Sec. 98. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall by notices invite such payment.

Sec. 99. After the expiration of the said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of the said parcels, as far as ascertained (and where the owners are unknown stating the fact), and the amounts for which they are respectively assessed, and shall forthwith transmit the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Collector, made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

Sec. 100. The moneys coming into the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the several amounts determined to be due as compensation for the lands taken or damaged, by payment into Court on behalf of the owners. Upon such payment being made the title to the lands, or the interest therein, or the easement therein condemned, shall vest in the City of Oakland for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause the said improvement to be carried out and completed.

CHAPTER III.—IMPROVEMENT OF STREETS.

Sec. 101. All streets, lanes, alleys, places, and courts in said city now open or dedicated, or which may hereafter be opened or dedicated, to the public use, and of which the grade and width have been legally established, are and shall be open public streets for the purposes of this article. The Council shall, as soon as practicable, cause an official map of the city, upon which shall be exhibited all streets, lanes, alleys, places, courts, parks, and squares dedicated to public use; and upon the approval of said map by the Council, all streets, lanes, alleys, places, courts, parks, and squares appearing thereon shall be prima facie deemed and held to be open public streets, lanes, alleys, places, courts, parks, and squares.

Sec. 102. Upon such open streets in said city all "improvement" as defined in the Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, shall be done by authority of the Council, and the expenses thereof paid under and in accordance with the provisions of the said Act, and of any Acts which may be passed in amendment thereof or supplemental thereto, or in substitution therefor. And the Council is invested with jurisdiction to change the grades of said streets, lanes, alleys, places, and courts, and fix the width thereof.

Sec. 103. Whenever application shall be made to the Council for any improvement to be done under the provisions of this chapter, unless such application be made by the owners of more than one half in frontage of lots and lands fronting on the street, lane, alley, place, or court upon which the improvement is to be done, or their agents, the Council shall refer the matter to the Board of Public Works for information. The Board shall, as soon as practicable thereafter, determine whether in its judgment the public interest or convenience requires the said improvement to be made, and shall immediately report its determination to the Council, which shall thereupon take such action as it shall deem proper in the premises.

Sec. 104. The Superintendent of Streets shall at all times keep the members of the Board of Public Works advised of the commencement and progress of any street improvement which is being done under his superintendence. They shall continuously examine and inspect the same, its materials and construction, and the Board of Public Works shall make any recommendation in reference thereto which it may deem advisable; and before finally accepting the same the Superintendent shall advise the Board of its completion, in due season to permit of such recommendation, and of his action thereon.

CHAPTER IV.—SEWERS AND DRAINAGE.

Sec. 105. The Board of Public Works shall devise a general system of sewerage and drainage, which shall embrace all matters relative to the thorough, systematic, and effect-

ual drainage and sewerage of the city, and shall submit the same to the Council, and shall from time to time make to the Council such recommendations upon the subject of sewerage and drainage as it may deem proper.

SEC. 106. The Board shall prescribe and recommend to the Council for adoption the location, form, and material to be used in construction, reconstruction, and repairing of all public sewers, manholes, sinks, drains, cesspools, and other appurtenances belonging to the drainage and sewerage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 107. The Board shall recommend to the Council rules and regulations concerning the public and private sewers and drains in the city, and upon recommendation of said Board the Council is authorized to pass an ordinance establishing the same, and prescribing the penalties for any violation thereof.

SEC. 108. No person shall connect with, or open, or penetrate, any public sewer or drain without first obtaining a permit in writing from the Board of Public Health, and complying with the rules and regulations of said Board in reference thereto.

SEC. 109. The Board of Public Works may also recommend to the Council the construction of canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery, and other works necessary for the proper and effectual drainage of the city, together with the plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

SEC. 110. The Council may, upon the recommendation of said Board, by ordinance authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer, or the making of any improvement provided for in this charter.

SEC. 111. When, upon the recommendation of the Board of Public Works, the Council shall determine upon any improvement for the purpose of sewerage and drainage, which necessitates the acquisition or condemnation of private property, and said Board or Council is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Council, by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, and for the ascertainment of damages in the manner, so far as the same is applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any street.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

SEC. 112. The government of the School Department of the city shall be vested in a Board of Education, to consist of eleven members, to be called School Directors, and who shall receive no compensation. One School Director shall be elected from each ward, and four from the city at large. Their terms of office shall be two years. No person shall be eligible to the office of School Director unless he is at the time of his election the head of a family; and no two of those elected at large shall be residents of the same ward at the time of their election.

SEC. 113. The Board of Education shall, immediately after their election and qualification, meet and organize by electing one of their number President, whose term of office shall be one year. The Board shall hold regular meetings at least once in each month, and at such times as shall be determined by its rules. Special meetings may be called at any time by the President or any three of the members. A majority of all the members shall constitute a quorum for the transaction of business, and the affirmative vote of six members shall be necessary to pass any measure, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, when demanded by any member, and entered on the records of the Board. Its records shall be open to public inspection. The Board shall fill all vacancies occurring in the Board until the next regular municipal election.

SEC. 114. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, to change, consolidate, and discontinue the same, to manage and control the school property, to establish school districts, and to fix and alter the boundaries thereof.

2. To employ, pay, and dismiss teachers, janitors, and School Census Marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no teacher shall be dismissed until after investigation and without good cause established to the satisfaction of the Board.

3. To make, establish, and enforce all necessary and proper rules and regulations for the government and progress of public schools and for the investigation of charges against any person in the employ of the department, and for carrying into effect the laws in relation to education; also to establish and regulate the grade of schools, and determine what text-books (other than those published by the State), course of study, and mode of instruction shall be used in said schools; but any text-book determined upon by the Board shall not be changed within a period of four years after its adoption.

4. To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

5. To build, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances.

6. To purchase, sell, or exchange school lots, and to take charge of any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of the city; and to make in the name of the city conveyances of property belonging to the city and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged, without the consent of the Council, evidenced by ordinance; *and, provided further*, that the proceeds of any such sale or exchange of real estate shall be exclusively applied to the purchase of other lots, or the erection of school houses for the use of this department.

7. To appoint School Census Marshals on or before the first day of May of each year, whose duties shall be as prescribed by general law, and to notify the County Superintendent of Schools of such appointments.

8. To sue in the name of the city for any and all property acquired or claimed for the use and benefit of the school department, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the City Attorney in all such actions.

9. To estimate annually the amount of money required for support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision the Board shall, on or before the last Monday of July of each year, submit in writing to the Auditor a statement, verified by at least a majority of the Board, containing a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes. The Auditor shall transmit the same to the Council as in this charter provided, and the Council shall, in each year after receiving such estimate, fix, in its discretion, by ordinance, the percentage of taxes to be levied and collected for school purposes; *provided*, that the amount to be thus levied for school purposes shall not exceed thirty cents on each one hundred dollars' valuation upon the assessment roll, but may be increased to forty cents by the consent of two thirds of the Council, and that when collected it shall be immediately paid in the School Fund, to be drawn out only upon the order of the Board of Education.

10. To establish regulations for the just and equitable disbursements of all moneys belonging to the Public School Fund.

11. To examine every demand payable out of the School Fund, and for good cause to reject any such demand, or to allow the same in whole or in part, and to compel the attendance of witnesses before the Board, or any committee thereof, in any matter under investigation.

12. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

13. To prohibit any child under six years of age from attending the public schools, and to suspend or expel pupils for misconduct.

14. To dispose of and sell at public auction such personal property as shall no longer be required by the department. All moneys realized from such sales shall be paid into the treasury to the credit of the School Fund.

15. To receive and manage property or money acquired by devise, bequest, or donation, in trust for the benefit of any school, educational purpose, or school property.

16. To exclude from the schools and school libraries all books, publications, or papers of sectarian, partisan, or denominational character.

17. To furnish books for the children of parents unable to furnish them. The books so furnished shall belong to the city, and shall be kept in the libraries of the schools when not in use.

18. To keep a register at each school, open to the inspection of the public, of all children applying for and entitled to admission in the schools, and to notify the parents or guardians of such children when vacancies occur, and to receive such children in the schools in the order in which they are registered.

19. To make an annual report on or before the first day of July in each year to the County Superintendent of Schools, in the manner and form and on the blanks prescribed by the State Superintendent of Public Instruction.

20. To make a report whenever required directly to the State Superintendent of Public Instruction of the text-books used in the city schools.

21. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

22. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the students therein to enter any of the departments or the University of the State of California. Such course shall be known as the High School Course.

23. The Board may provide departments for the training of pupils in the industrial and mechanic arts, and shall have power to furnish such departments with necessary tools, apparatus, and appliances.

24. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 115. The City School Superintendent, and each member of the Board, shall have power to administer oaths and affirmations in all matters connected with the department.

SEC. 116. For all supplies, books, stationery, fuel, printing, goods, merchandise, and all other materials and supplies for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed one hundred dollars, the Board of Education shall make a requisition upon the Board of Public Works. Such requisition shall state in clear and explicit terms the quantity and kind of all articles needed, and how, when, and where to be delivered.

SEC. 117. The Board of Education shall annually, at its first regular meeting in May, make such requisition for all supplies estimated to be required by the School Department for the ensuing fiscal year.

SEC. 118. It shall be the duty of the Board to furnish annually, in writing, such information concerning the public schools of the city as may be required from it by law, or the State Superintendent of Public Instruction, or the Council.

SEC. 119. The Board of Education, at any time when deemed necessary, may, by resolution passed at a regular meeting, make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the location thereof, the number of class-rooms needed, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications, and estimates of the cost of such school house.

SEC. 120. The Board of Public Works shall, within thirty days after the receipt of such requisition, submit in duplicate to the Board of Education such plans, specifications, and estimates, which the Board of Education may approve, reject, or recommend it to the Board of Public Works. When approved, the date of approval shall be indorsed on each duplicate by the President and Secretary of the Board of Education; and thereupon one of said duplicates shall be filed with the archives of the Board of Education, and the other shall be returned to the Board of Public Works, which shall proceed without delay with the erection of such new school house in accordance therewith.

SEC. 121. The Board of Public Works shall notify the Board of Education of the completion of such new school house. The Board of Education shall thereupon examine the same, and if built in accordance with the plans and specifications, and within the estimated cost thereof, shall accept, pay for, and take possession thereof.

SEC. 122. When any school house, building, fence, grounds, or sidewalk under the control of the Board of Education needs repairing, altering, improving, or additions, said Board shall notify the Board of Public Works, specifying in general terms the work to be done. If the cost of such repairing, altering, improving, and additions shall not exceed two hundred dollars, the last named Board shall cause the same to be done forthwith, and report the completion thereof with an itemized account of the cost to the Board of Education. If the cost of such repairing, altering, improving, and additions shall exceed said sum, the same proceedings shall be had as provided for the erection of a new school house.

SEC. 123. Any School Director, officer, or other person officially connected with the school department, or drawing a salary from the Board of Education, who shall, while an officer so connected or drawing salary, be interested either directly or indirectly in, or who shall gain any advantage or benefit from any contract, payments under which are to be made, in whole or in part, out of the moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, or who shall gain or attempt to gain by reason of any official act, or the promise of any official act, any consideration, advantage, or benefit from any teacher or any employé of the department, or from any applicant for a position in the department, shall forfeit his office and be forever disqualified from holding any position in the service of the city; and this provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to other penalties and disabilities for such acts and offenses.

SEC. 124. The Board of Education shall, between the first and tenth days of June of each year, fix a schedule of salaries for teachers and employes of the School Department, to take effect on the first day of July following, and to remain in force during the fiscal year.

SEC. 125. There shall be a City Board of Examination, which shall have the authority and shall be constituted, governed, and compensated as provided in article seventeen, chapter three, title three, part three, of the Political Code, and all Acts amendatory thereof and supplemental thereto; and the holders of the certificates, granted by the Board of Examination, shall be entitled to the same protection and subject to the same rules and regulations as are provided in said article seventeen.

SEC. 126. It shall be the duty of the Board of Education, immediately after its organization, to elect a City School Superintendent, who shall be an experienced teacher, and whose term of office shall be four years. The City School Superintendent may appoint an assistant, who shall also be an experienced teacher, and whose salary shall be fixed by the Board.

SEC. 127. The City School Superintendent shall act as Secretary and bookkeeper of the Board of Education, and perform the clerical duties required by such Board. In the absence of the Superintendent and his assistant, the Board of Education may appoint one of their own number to act as Secretary. It shall be the duty of the Superintendent, for good and sufficient cause, to provisionally suspend any teacher employed in the schools of the city until the next meeting of the Board. It shall be his duty to report to the

Board of Education annually, and at such other times as it may require, all matters pertaining to the expenditures, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a month; to observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the Board; to recommend to the Board, for good cause, the dismissal of teachers and the cancellation of their certificates, stating the reason therefor; to attend all sessions of the Board, and inform them at each session of the condition of the public schools, school houses, School Fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city; to acquaint himself with all the laws, rules, and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SEC. 128. The School Fund shall consist of all moneys received from the State and County School Fund; of all moneys arising from taxes, which shall be levied annually by the Council for school purposes; of all moneys arising from the sale, rent, or exchange of any of the school property; and of such other moneys as may, from any source whatever, be paid into the School Fund, which fund shall be separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be for any purpose whatever diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 129. The School Fund shall be used and applied by the Board of Education for the following purposes, to wit:

1. For the payment of the salaries or wages of the Superintendent, Assistant Superintendent, teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

2. For the erection, alteration, repairs, rent, and furnishing of school houses.

3. For the purchase money or rent of any real or personal property purchased by or leased to said Board.

4. For the discharge of all legal incumbrances on any school property.

5. For lighting and heating the school-rooms and the offices and rooms of the Superintendent and Board of Education.

6. For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.

7. For supplying books, printing, and stationery for the use of the Superintendent, Board of Education, and Board of Examination, and for the incidental expenses of the Department.

8. For grading and improving school lots, and for grading, sewerage, plankings, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 130. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elected to said Board, upon a call of the ayes and noes, which shall be recorded, they shall be signed by the President of the Board and by the City School Superintendent. Every demand shall have indorsed upon it a certificate of its approval. All demands for salaries shall be paid monthly, and all claims payable out of the School Fund shall be by a warrant signed by the President and Secretary of the Board.

SEC. 131. All demands authorized by this article shall be paid by the Treasurer from the School Fund when the same shall be presented to him approved by the Board and duly audited by the Auditor; *provided*, that no demand shall be paid except upon such a warrant as aforesaid, duly indorsed by the payee named therein; and *provided further*, that the said Board shall not have power to contract any debts or liabilities, in any form whatsoever, against the city, in contravention of this article, or exceeding in any year the income and revenue provided for the School Fund for such year.

SEC. 132. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Council, incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishing school houses; and the Council may by ordinance cause to be transferred to the School Fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditure.

PUBLIC LIBRARIES.

SEC. 133. There shall be maintained in the City of Oakland free public libraries and reading rooms, as provided for by the Act of the Legislature of this State entitled "An Act to establish free libraries and reading rooms," approved April 26, 1880, and such other Acts of the Legislature as may be hereafter enacted amendatory thereof and supplemental thereto.

ARTICLE VIII.

REVENUE AND TAXATION.

SEC. 134. On or before the last Monday of August in each year the Auditor shall prepare and transmit to the Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him, an estimate of the probable

necessities of the city for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding funded debts, together with the amount needed for salaries and probable wants of all the departments of the municipal government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from the fine, licenses, and all other sources of revenue, exclusive of tax upon property; and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city, in order to meet the necessities of such fiscal year.

SEC. 135. The Council shall, before fixing the rate of the annual city tax, establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a General Fund; and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfer shall be made except of balances in excess or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds.

SEC. 136. The Council shall, on or before the first Monday of October in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year one dollar for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city.

SEC. 137. Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, and collection of taxes, and the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes, and redemption thereof; and all provision of law applicable to such assessment, equalization, levy, collection, and sale for State and county purposes, and hereby applied to, and shall be the law governing such assessment, equalization, levy, collection, and sale for State and county purposes, and hereby applied to, and shall be the law governing such assessment, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end:

First—All powers and duties so by law conferred or imposed upon the County Assessor, are hereby imposed upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors, are hereby conferred and imposed upon the Council.

Third—All powers and duties so by law conferred or imposed upon the District Attorney, are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector, are hereby conferred and imposed upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer, are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk or County Auditor, are hereby conferred and imposed upon the City Clerk and City Auditor. The Assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road, or other districts.

SEC. 138. On or before the last Monday in July, in each year, the Assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it and the books, and any maps he may have accompanying the same, and all original lists of property given to him, to the City Clerk, and the Clerk shall thereupon notify the Board of Equalization and the taxpayers of the fact, by posting three notices, specifying the time of the meeting of said Board for the purpose of equalizing the taxes. Said roll shall be kept open in his office for public inspection.

SEC. 139. The Assessor must make the abstract provided for in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city, and assess the same accordingly.

SEC. 140. The Council may, by an order entered upon its journal, extend, for not exceeding thirty days, the time fixed in this article for the performance of any act.

SEC. 141. The Tax Collector must, at least once in each month, and oftener if required by the Council, settle with the Auditor and pay into the treasury the full amount of money received by him for the city.

SEC. 142. All fines and forfeitures arising under the revenue and taxation laws, as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due

thereon, the same shall be struck off and sold to the city in like case, and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State or county taxes, and the Council shall have the same powers and duties in relation to such property as is by law given to the State Board of Equalization in case of a sale to the State; and no certificate or receipt need be delivered to the State Controller.

Sec. 143. The Council shall have and exercise the powers and duties conferred and imposed upon the State Board of Equalization by sections three thousand eight hundred and twelve and three thousand eight hundred and fourteen of the Political Code, or by any Acts amendatory thereof or supplemental thereto.

Sec. 144. No city officer shall be required to send or transmit any statement or report to any State officer or Board.

Sec. 145. All papers and instruments required to be filed or recorded with or by the County Recorder by the revenue and taxation laws, shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the County Recorder of Alameda County.

Sec. 146. The Assessor shall be governed as to the amount of taxes to be by him collected on personal property by the city tax rate of the previous year.

Sec. 147. The assessment of property within the city made by the County Assessor of Alameda County and the State Board of Equalization, shall be the basis of taxation for the city, as provided for by section three thousand six hundred and seventy-one of the Political Code; *provided*, that if any property in the city shall not be assessed by the County Assessor, the City Assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

Sec. 148. It shall be the duty of the Assessor at any time subsequent to the first Monday in July, and prior to the fourth Monday in August, of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the City Clerk, to be by him compared with the entries on the assessment roll.

Sec. 149. Whenever the Council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, work, sewer, property, water rights, bridges, or improvement, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of Article XI of the Constitution of this State and general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issued therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor. Nor shall any such bonds be issued or sold during any one year in excess of the actual expenditures incurred in that year.

ARTICLE IX.

POLICE AND FIRE DEPARTMENT.

Sec. 150. The Police and Fire Departments shall be under the management of a Board of three Commissioners. The members of the Board of Public Works shall be *ex officio* the Board of Commissioners of the Police and Fire Department.

Sec. 151. Immediately after their appointment and qualification as Commissioners of the Board of Public Works, they shall organize as a Board of Commissioners of the Police and Fire Departments, and elect one of their number President, who shall hold his office for the term of one year. The Secretary of the Board of Public Works shall act as the Secretary of the Board of Police and Fire Commissioners. The Board shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks, and employes, and may require bonds from any of its subordinates for the faithful performance of their duties.

Sec. 152. The Board shall hold a regular meeting at least once a week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks. The meeting of the Board shall be public; two members shall constitute a quorum, and the votes of two members shall be sufficient to pass any order or resolution; *provided, however*, that executive sessions may be held in special cases by unanimous vote. No business shall be transacted at a special or adjourned meeting of the Board, except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had, or such as may have been specified in the notice of the meeting. The Board shall cause to be kept a record of its proceedings. It may, when it shall deem it expedient, and shall, when required by the Council or the Mayor, furnish such data or information as may be required.

Sec. 153. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall perform such other duties as the Board shall prescribe or direct.

Sec. 154. The officers, members, and employes of said Police and Fire Department shall be appointed by said Board, but no appointments or removals shall be made for political reason, nor shall any removal be made except for cause, established to the satisfaction of the Board.

Sec. 155. Said Board shall have power:

1. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employes of said departments.

2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

3. To hear and summarily determine all complaints of misconduct, inefficiency, or violation of the rules or other charge against any officer, member, or employe of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of such departments.

4. To appoint in their discretion special policemen, who shall be under the supervision and control of the Chief of Police, and to remove the same at pleasure; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the Council.

5. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said Board by this charter, or by any ordinance of the Council passed pursuant thereto, or by the Constitution and laws of this State: and, in general, to manage and control said departments.

Sec. 156. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, telegraph lines, stables, and all other property and equipments now or hereafter used or belonging to the Police or Fire Department.

Sec. 157. The Board shall annually, on or before the last Monday of July, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and the Fire Department, and of the Fire Alarm and Police Telegraph, for the ensuing year, specifying in detail the proper items for which the same will be required.

Sec. 158. Every claim against the Police Department or Fire Department shall be approved by the Board, in open session, which approval shall be entered in the minutes of the Board. No such claim shall be allowed or ordered paid by the Council until the same has been so approved by said Board, and has indorsed thereon such approval, authenticated by the signatures of the President and Secretary of the Board.

Sec. 159. The Board shall determine and report to the Council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional apparatus, materials, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, and as to materials and supplies required for the efficient working of the Fire Alarm and Police Telegraph hereinafter provided for; but the action of the Board with respect to the necessity of these matters shall only be advisory to the Council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the Council. All contracts let and work ordered for said Police and Fire Departments, and said Fire Alarm and Police Telegraph, shall be let and ordered by the Board of Public Works; and the Board of Public Works shall see that the same are faithfully carried out and performed; *provided, however*, that the Board of Police and Fire Commissioners shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of fifty dollars.

Sec. 160. The Council shall maintain a Fire Alarm and Police Telegraph, which shall be in charge of the Board of Police and Fire Commissioners, who shall manage and control the same, and appoint the Superintendent thereof in a like manner with other employes of the Police and Fire Department.

Sec. 161. The Police Department shall consist of a Chief of Police and such Captains, detectives, and other policemen, not exceeding in the aggregate forty as the Board may determine to be necessary. The Fire Department shall consist of a Chief Engineer and as many drivers, hosemen, and other employes, not exceeding in the aggregate seventy, as the Board may determine to be necessary. The Board may, with the consent of the Council, evidenced by ordinance, add to the above numbers, from time to time, should the increase of population and public interest so require.

Sec. 162. Any officer or member of the Police or Fire Departments, or of the Fire Alarm and Police Telegraph, other than the Police and Fire Commissioners, guilty of any legal offense or neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or conduct injurious to the public peace or welfare, or detrimental to the efficiency of the department of which he may be an officer or member, or breach of discipline or efficiency, or (in case of a police officer) of conduct unbecoming an officer, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension, or dismissal from the department of which he may be an officer or member; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the accused may be an officer or member. The Board shall annually render to the Council a verified itemized account in writing of all moneys so received and disbursed during the preceding year.

SEC. 163. In all investigations or trials conducted by said Board, the President thereof shall have the power to issue subpoenas for the attendance of witnesses and production of papers before it. Such subpoenas shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigation.

ARTICLE X.

HEALTH DEPARTMENT.

SEC. 164. There shall be a Health Department under the management of a Board of Health, to consist of five members, who shall be appointed by the Mayor, and whose terms of office shall be two years. The members of said Board must be residents of the City of Oakland, physicians in good standing, and graduates of some medical college.

SEC. 165. The members first appointed shall, immediately after their appointment and qualification, so classify themselves by lot, that two of them shall go out of office at the end of one year, and three of them at the end of two years after their appointment. They shall elect one of their members as President of the Board, who shall hold office for one year. Any member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Three members shall constitute a quorum for the transaction of business. No measure shall be passed without the concurrence of the majority of the whole Board. The members of said Board shall receive no compensation.

SEC. 166. The Board of Health shall be provided by the Council with a suitable office, which shall be known as the Health Office, in which they shall hold their official meetings at least once a month, and also whenever requested, in writing, by three members of the Board, or by the President thereof.

SEC. 167. The Board of Health, subject to the ordinances of the Council, shall have general supervision of all matters appertaining to the sanitary condition of the city, including the sewers, jails, hospitals, and all public city institutions.

SEC. 168. The Board shall, on or before the first Monday of July, make an annual report of the affairs of the Health Department to the Council, and shall include therein the annual report of the Health Officer, and shall at the same time furnish the Auditor a detailed statement of the amount of money that will be required for the Health Department during the ensuing fiscal year, and the Council may provide for the raising of such amount, or so much thereof as in their judgment may be necessary. All expenditures of the Board shall be subject to allowance by the Council, in the same manner as the expenditures of other branches of the municipal government.

SEC. 169. The Board shall appoint, and may remove at pleasure, a Health Officer, who shall also act as City Physician, and whose compensation shall be fixed by the Council. He must be at least thirty years of age, a graduate of a regular medical college, and a resident for three years in the city. He must reside within the city limits, and must execute an official bond in such sum as the Council may direct. The Board may appoint and remove at pleasure a Secretary, who shall keep a record of the proceedings of the Board, and perform such other duties as may be prescribed by the Board, and whose compensation shall be fixed by the Council.

SEC. 170. The Health Officer shall be the executive officer of the Board, and shall see that all laws and ordinances relating to the public health and the rules and regulations of the Board of Health are enforced. He must make to the Board an annual report of the affairs of his office, including mortality and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit, once in each quarter, all the public schools and other public institutions in the city. During such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. In the months of January, April, July, and October, he shall report to the Board the result of his examinations.

SEC. 171. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness amongst its occupants, said Board may issue an order, and cause the same to be affixed conspicuously on the building, or front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all therein to vacate such building for the reasons to be stated therein, as aforesaid. Such building, or part thereof, shall within ten days thereafter be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or part thereof, has ceased to exist, may revoke said order.

SEC. 172. Every physician in the city shall immediately report to the Health Office, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, or smallpox, and shall report to the Health Office every death from such disease, immediately after it shall have occurred. Also, every householder in said city shall forthwith report, in writing, to the Health Office the name of every inmate of his or her house whom he or she shall have reason to believe sick of typhus, ship, or yellow fever, cholera, or smallpox, and any deaths occurring at his or her house from such diseases.

SEC. 173. The Health Officer shall immediately report to the City School Superintendent the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, or smallpox, or any other contagious disease he may deem dangerous to public

health; and it shall be the duty of the City School Superintendent, when so notified of the residence of any person sick of any of the diseases enumerated, to refuse admittance to the public school to any member of a household, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

Sec. 174. Whenever a case of smallpox, or Asiatic cholera, or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in case of smallpox, Asiatic cholera, or yellow fever, immediately cause to be displayed a quarantine flag in a conspicuous place on said premises, and put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

Sec. 175. The Board may locate, establish, and maintain pest-houses, and discontinue and remove the same, when and where such location, establishment, and maintenance or discontinuance and removal may be necessary to the preservation of public health. They may appoint and remove at pleasure such physicians and nurses (whose compensation shall be fixed by the Council) for said pest-houses as may be necessary to maintain the efficiency of the same and comfort of the inmates; and may cause to be removed thereto, and kept, any person affected, within the limits of the city, with smallpox, Asiatic cholera, or yellow fever; *provided*, that no person, unless he is unable or refuses to maintain such quarantine as may be prescribed by resolution of the Board, shall be so removed to any pest-house. The Board may make all rules and regulations regarding the conduct of said pest-houses as may be needful. No person shall remove a patient affected with such disease from any house or place within the limits of the city to any other house or place, without the permission of the Health Officer.

Sec. 176. The Board may proclaim such quarantines and establish and declare such quarantine districts and grounds and the boundaries thereof as may, in their judgment, be necessary for the preservation of public health; and may, when deemed necessary, require all vessels, railroad cars, or other public conveyances, before the same shall land or stop at any landing, depot, or stopping place in the city, to stop or touch at any or either of the districts, grounds, or boundaries so selected and established for quarantine purposes, and leave all such persons, with their stores and baggage, as in the opinion of the Health Officer or physician stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existence or general report of Asiatic cholera, smallpox, or yellow fever.

Sec. 177. The said Board shall make such rules and regulations for the government of the quarantine or the health of the city, as from time to time they shall deem necessary, and the physicians or Health Officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

Sec. 178. The Board of Health shall cause to be kept a record of all births and deaths occurring in said city; such records must be kept in the Health Office, and shall be open for inspection of any person during office hours. All physicians and midwives in the city shall report to the Health Office, on or before the fifth of each month, all births occurring in his or her practice during the previous month.

Sec. 179. No person shall deposit in any cemetery the body of any human being who has died in the city, or remove the same from within the limits of the city, without having first obtained and filed at the Health Office a certificate signed by a physician or Coroner setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of deceased, and obtained from the Health Officer a permit in writing therefor, for burial or other purposes. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died without the limits of the city, and no body or remains of a deceased person exhumed or taken from any grave, vault, or other place of burial or deposit, within or without the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such bodies or remains shall first obtain from the Health Officer a permit in writing therefor, which shall accompany the body or remains.

Sec. 180. The permits in the last section may be granted, in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs on which, as well as in the permit, shall be entered a record, giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed.

Sec. 181. The Board of Health must exercise a general supervision over the death records of the city, and may adopt such forms and regulations, not inconsistent with law and the ordinances of the Council, for the use and government of physicians, undertakers, and superintendents of cemeteries, as in their judgment may be best calculated to secure reliable statistics of mortality in the city and prevent the spread of disease.

Sec. 182. The Council must, by ordinance or otherwise, provide for the enforcing of such orders and regulations as the Board of Health may adopt and the Council approve.

All expenses, which in the opinion of the Council are necessarily incurred in carrying out the provisions of this article, must be provided for by the Council.

SEC. 183. In addition to the powers and duties in this article enumerated, the Board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Council, or by general laws.

SEC. 184. Any member of the Board of Health, or the Health Officer, may administer oaths on business connected with the Health Department.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SEC. 185. Unless otherwise provided in this charter, all contracts for work or supplies of any kind, for more than one hundred dollars, shall be let to the lowest bidder after notice given, by posting the same for ten days, and by publishing same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the Council may by ordinance direct, and after like notice given.

SEC. 186. No grant of any franchise by the Council shall have any validity or effect unless the person or persons to whom the same is made shall, within six months thereafter actually and in good faith, and not colorably, commence the exercise and enjoyment of the same, there being no legal impediment thereto; *provided*, that condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of a franchise granted under subdivisions twenty-eight, twenty-nine, thirty, and thirty-one, section thirty-one, article three, of this charter. Whenever any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the Council, shall be deemed a forfeiture of the whole.

SEC. 187. Whenever, within the corporate limits of the city, two or more railroads, operated by steam power, cross each other on the same grade or level, the corporations operating the roads shall, within four months after the adoption of this charter, or in case of roads now being or hereafter to be constructed, within four months after the completion of crossings as above described, cause the erection and operation of a complete interlocking safety switch and signal system, which said signal system shall be so constructed as to prevent collisions at such crossings between cars or trains of cars or locomotive engines running on the different roads. Failure, neglect, or refusal to conform to the requirements of this section, shall subject each corporation to a penalty of fifty dollars for each and every day during which such failure, neglect, or refusal shall continue.

SEC. 188. Any person holding a salaried office under this city, whether by election or appointment, who shall during his term of office hold or retain any other civil office of profit or emolument under the Government of the United States or of this State, or who shall hold any other office connected with the government of the city, or who shall become a member of the Legislature, shall be deemed thereby to have vacated the office held by him under the city government.

SEC. 189. No member of the Council, and no officer or employé of the city, shall be or become directly or indirectly interested in or with the performance of any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the Council, officer, or employé of this city violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city, while he is such member, officer, or employé, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city; and all contracts made, or right, or franchise granted in violation of this section shall be absolutely void.

SEC. 190. No officer or employé of the city shall give or promise to give to any other person any portion of his compensation, or any money or thing of value, or any position, in consideration of having been or of being nominated, appointed, voted for, or elected to any office or employment under the city. Any person violating the provision of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 191. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or anything of value, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position under him, shall forfeit his office and be forever disqualified from holding any position in the service of the city.

SEC. 192. All books and records of every office and department shall be open to inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

SEC. 193. Except as otherwise provided for by law or this charter, all public offices shall be kept open for business every day (except legal holidays) from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and in addition thereto, for

two weeks before taxes become delinquent in each year, the office of the Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 194. Whenever the Council shall adjudge it necessary for the city to take or damage private property for public uses, the Council may direct proceedings to be taken by the City Attorney under title seven, part three, of the Code of Civil Procedure, to condemn the same.

SEC. 195. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk, or employé receive any salary or compensation for any service of any kind unless the same is specially authorized by law or this charter; *provided, however*, that when any officer or Board shall require additional employés, application shall be made to the Council to authorize the appointment of such additional employés, and thereupon the Council may, in its discretion, authorize such appointment and provide for the compensation of such appointees.

SEC. 196. Whenever power is given in this charter to call special meetings of the Council, Board of Education, or any Board, the notice thereof shall be in writing, and shall specify the object of the meeting. The notice shall be served on each member personally, or by mail addressed to his place of residence; if by mail, the notice shall be deposited in the Post Office of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 197. Whenever this charter provides for the posting of notices, such notices shall be posted at the front door of the City Hall, the United States Post Office, and at the office of the body authorizing the notice.

SEC. 198. Whenever a provision is made in this charter wherein publication is required, such publication shall be made in a newspaper of general circulation, printed and published in the City of Oakland, except as otherwise provided.

SEC. 199. Every officer shall hold his office until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have qualified when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 200. The Mayor, members of the Council, Auditor, Treasurer, City Attorney, Police Judge, Commissioners of Public Works, School Directors, members of Board of Health, and Health Officer, must each, at the time of their election or appointment, have been a citizen of the United States and a resident and qualified elector of the city for three years next preceding their election or appointment.

SEC. 201. All officers, deputies, clerks, assistants, and other employés of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must, with the exception of teachers in the public schools, reside in the city, and have been residents of the city one year next preceding their appointment. They and each of them shall perform such duties as may be required of them respectively by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment.

SEC. 202. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The Mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term and until the election and qualification of his successor.

SEC. 203. Unless otherwise provided by law, or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 204. All appointments of officers, deputies, and clerks to be made under any provisions of this charter, must be made in writing and in duplicate, authenticated by the person or persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk and the other with the Auditor.

SEC. 205. All franchises and privileges heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity, unless said grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 206. Competent and experienced employés in the several departments shall not be unnecessarily removed.

SEC. 207. All ordinances and resolutions of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force, until amended or repealed, and all officers of the city in office when this charter takes effect shall continue to hold and exercise their respective offices, under and in accordance with the terms and provisions of this charter, until the election or appointment and qualification of their successors, provided for herein.

SEC. 208. The City Council of the present City of Oakland shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

Be it known: That the City of Oakland, containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the tenth day of December, one thousand eight hundred and eighty-seven, at a special election, and under and in accordance with the provisions of section eight, of article eleven, of the Constitution of this State, did elect the undersigned a Board of Fifteen Freeholders, to prepare and propose a charter for said city, and we, the members of said Board, in pursuance of said provision of the Constitution, and within a period of ninety days after such election, have prepared, and do propose the foregoing, signed by us in duplicate, as and for the charter of the said City of Oakland.

In witness whereof we have hereunto set our hands this eighth day of March, Anno Domini one thousand eight hundred and eighty-eight. Done in duplicate.

JNO. A. STANLY, Chairman.
 PATRICK SULLY.
 EDWARD J. PRINGLE.
 JOHN R. GLASCOCK.
 N. W. SPAULDING.
 V. D. MOODY.
 WM. C. BARTLETT.
 JOHN L. BROMLEY.
 WALLACE EVERSON.
 WARREN OLNEY.
 J. A. FOLGER.
 H. A. POWELL.

Attest: FRED. L. BUTTON, Secretary.

Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), that said charter be and the same is hereby approved as a whole, for and as the charter of said City of Oakland.

The resolution having been read, Mr. Moffitt moved a call of the Senate.
 So ordered.

The roll was called, and the following Senators answered to their names :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Mr. Moffitt moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

Senate Joint Resolution No. 1 was then adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, White, Williams, Wilson, and Yell—33.

NOES—Messrs. Campbell, McGowan, and Welch—3.

EXPLANATION OF VOTES.

Mr. McGowan explained his vote, as follows: That he had not read and considered the question sufficiently to vote intelligently upon it; for that reason he voted "no."

Mr. Campbell also explained his vote.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Joint Resolution No. 1 passed the Senate.

MOTION.

Mr. White moved that the consideration of Senate Bill No. 15, introduced by Mr. Wilson, be placed at the head of the third-reading file for to-morrow morning.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an act is to be done may be extended.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Title read and approved.

MOTION.

Mr. Murphy moved to suspend the rules, and amend Rule Forty-three, by striking out the words "three hundred and sixty," and inserting the words "five hundred" in lieu thereof.

So ordered.

ADDITIONS TO STANDING COMMITTEES.

The President pro tem. announced as the additional members of the Committee on Hospitals, Messrs. Crandall and Dixon.

Also, as the additional members of the Committee on Forestry and Yosemite Valley and Big Tree Grove, Messrs. Hamill and Fraser.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., upon motion of Mr. Jones, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, January 18, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. A. C. Bane.
Journal of yesterday read and approved.

SPECIAL ORDER.

Consideration of the Governor's message made the special order for this hour:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 17, 1889. }

To the Senate of the State of California:

I herewith transmit to your honorable body a copy of a dispatch received from C. C. Stevenson, Governor of Nevada, and respectfully request the Senate to take notice of the same.

R. W. WATERMAN, Governor.

CARSON, NEVADA, January 16, 1889.

R. W. WATERMAN, Governor:

Joint committee of eight of our Legislature will visit your Legislature on twenty-first instant, on sawdust in Truckee River, and other matters, leaving here on Sunday morning.

CONCURRENT RESOLUTION.

By Mr. Moffitt:

Resolved by the Senate, the Assembly concurring, That a committee of eight, four from the Assembly and four from the Senate, be appointed to confer with a like committee from the Nevada Legislature, agreeable to the telegram presented yesterday by the Governor.

Resolved, That this resolution be transmitted forthwith to the Assembly.

Adopted.

RESOLUTION—(OUT OF ORDER).

By Mr. Byrnes:

WHEREAS, The Secretary of State having allowed the accredited members of the press—Record-Union, Examiner, Cactus, Call, Los Angeles Herald, Bulletin, Oakland Tribune, Chronicle, German Democrat, Alta, Political Record, and Daily Report—requisitions for stationery, in view of the action of previous Legislatures heretofore; and whereas, the practice is a reasonable and correct one; and whereas, the interest of good government and correct bookkeeping will be furthered; therefore, be it

Resolved, That the Secretary of State be and he is hereby authorized to supply the accredited members of the press with ten dollars' worth of stationery during the session.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Mr. Moffitt moved that Senate Bill No. 221 be re-referred to the Committee on Finance instead of to the Committee on Hospitals, as previously ordered.

Roll-call was demanded by Messrs. Hamill, Moffitt, and Welch, when the motion was carried by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Flint, Goucher, Greely, Hinshaw, Jones, McDonald, Mead, Moffitt, Preston, Welch, White, Williams, and Yell—22.

NOES—Messrs. Britt, Conklin, Crandall, Dray, Fraser, Hamill, Heacock, McComas, McGowan, Meany, Roth, Spellacy, and Wilson—13.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 17—Entitled "An Act to amend an Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and fifteen, relative to cemetery corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

A. F. JONES, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 49—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa Asylum for the Insane, and for labor performed on said asylum under written contract—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by the committee.

A. J. MEANY, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred the following Senate Concurrent Resolution No. 2—Relative to the matter of securing an appropriation for the improvement of Eel River—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JAS. E. BRITT, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred the following Senate Bill No. 115—Entitled an Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, and to establish the duties and compensation of said Board—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JAS. E. BRITT, Chairman.

COMMITTEE APPOINTMENTS.

The President pro tem. appointed as additional members to the Committee on Public Morals, Messrs. Conklin and Hinshaw.

Also, as the committee in the matter of the memorial of the late Governor Bartlett, Messrs. Yell, De Long, and Murphy.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Goucher: Senate Bill No. 248—An Act entitled "An Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor."

Referred to Committee on Public Buildings other than Prison Buildings.

Also (by request of Mr. Moffitt): Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

Referred to Committee on Roads and Highways.

Also (by request of Mr. Moffitt): Senate Bill No. 250—An Act to create a Commission, provide for its management, select and appoint the members thereof, and to appropriate funds for an exhibit of the products of the State of California at London, England.

Referred to Committee on Finance.

By Mr. Jones: Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera.

Referred to Committee on Claims.

By Mr. Spellacy: Senate Bill No. 252—An Act to amend sections four hundred and ninety-eight and five hundred and eight of the Civil Code, relating to street railroads.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Wilson (by request): Senate Bill No. 253—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Referred to Committee on Fish and Game.

Also (by request): Senate Bill No. 254—An Act entitled an Act to prevent persons entering upon lands of another, in the State of California, for the purpose of shooting, or hunting, or fishing, or discharging firearms, or lighting camp fires thereon.

Referred to Committee on Fish and Game.

Also (by request): Senate Bill No. 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Referred to Committee on Fish and Game.

By Mr. Welch: Senate Bill No. 256—An Act to amend section two thousand four hundred and sixty-seven of the Political Code, relative to charges for towage.

Referred to Committee on Commerce and Navigation.

By Mr. McComas: Senate Bill No. 257—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and eight, relative to the sale of or furnishing of tobacco and manufactures of tobacco to persons under sixteen years of age.

Referred to Committee on Judiciary.

By Mr. Dray: Senate Bill No. 258—An Act to add a new section to the Penal Code, to be known as section one thousand six hundred and fifteen, to protect the registration of thoroughbred cattle and other domestic animals.

Referred to Committee on Agriculture.

By Mr. Briceland: Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year.

Referred to Committee on Finance.

By Mr. Hinshaw: Senate Bill No. 260—An Act in relation to the taxation of banks.

Referred to Committee on Banks and Banking.

By Mr. De Long: Senate Bill No. 261—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Dargie: Senate Bill No. 262—An Act relating to life, casualty, and endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Referred to Committee on Corporations.

By Mr. McDonald: Senate Bill No. 263—An Act to authorize the Board of Supervisors of the City and County of San Francisco, State of California, to pay the claim of Alice Kenna and James Wildridge Kenna.

Referred to Committee on Claims.

By Mr. Fraser: Senate Bill No. 264—An Act to amend section three thousand three hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to retail liquor licenses.

Referred to Committee on Public Morals.

By Mr. White: Senate Bill No. 265—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Referred to Committee on Judiciary.

THIRD READING OF BILLS.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Mr. Wilson moved that it be passed until Monday, and that it retain its place at the head of the file.

The motion was withdrawn temporarily, in order to allow Mr. Caminetti to make the following motion:

That Senate Bill No. 15 be recommitted to a special committee of one, consisting of Senator Wilson, with instructions to amend said bill, by striking out the word "four" in line eight, page two, and insert in lieu thereof the word "two."

Mr. Wilson moved that the whole subject in relation to Senate Bill No. 15 be laid over until Monday next, and that it retain its place at the head of the file.

So ordered.

SECOND READING OF BILLS.

Assembly Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Committee amendment as follows considered:

In line six of the printed bill, after the word "Sonoma," insert the words "Colusa, Santa Barbara, and."

Adopted.

Mr. Flint offered the following amendment:

Amend section one by inserting the word "Monterey" after the word "Colusa" in the sixth line.

Adopted.

By Mr. Roth, as follows:

Add immediately after the word "Monterey" the word "Tulare."

Adopted.

By Mr. Goucher:

Amend in line six by inserting the word "Fresno" after the word "Butte."

Adopted.

By Mr. Campbell, as follows:

Amend section one, line six, after the word "Tulare" insert the word "Solano."

Adopted.

Mr. Conklin moved to amend by adding the words "County of Alpine."

Lost.

By Mr. Caminetti:

Insert after word "each," line six, page one, "and of the Judges of the Superior Courts of Amador and Calaveras, three thousand five hundred dollars per annum."

Adopted.

By Mr. Byrnes:

That "Santa Cruz" and "San Mateo" be inserted after "Santa Clara."

Adopted.

Mr. Wilson moved the previous question, which was ordered.

Mr. Caminetti moved that the bill be referred to a committee of one, to consist of Mr. Bowers, for the purpose of amending the title in conformity with the bill as amended.

Senate Bill No. 4 passed temporarily.

Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Committee amendment, as follows, considered:

Amend by inserting the word "it," in lieu of the word "they," in line fifteen of the printed bill.

Adopted.

Mr. Caminetti moved that the bill be referred to a special committee of one, to be composed of Mr. Bowers, to amend the title to conform with the bill.

So ordered.

Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged or proved, and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

Amended in committee as follows:

In the sixth line of printed bill strike out the word "and," and insert the word "also" in lieu thereof.

Adopted.

Also:

In line nine of the printed bill insert the word "instrument" after the word "original."

Adopted.

The Secretary was instructed to have the enacting clause to this bill inserted, the same having been omitted in the original draft of the bill.

Ordered engrossed and to a third reading.

REPORT OF SPECIAL COMMITTEE.

Mr. Bowers, as a committee of one, reported the following amendment to the title of Senate Bill No. 4:

Amend the title by adding the following words, "increasing the salaries of the Judges of the Superior Courts of the Counties of Colusa, Santa Barbara, Solano, Santa Cruz, San Mateo, Monterey, Amador, and Calaveras."

Adopted.

And the following amendment to the title of Senate Bill No. 6:

Amend the title by adding the words "fixing the maximum amount of interest payable on municipal bonds."

Adopted.

MOTION.

Mr. Jones moved that the hour of recess be deferred until further order of the Senate.

So ordered.

Mr. Jones asked permission for the Judiciary Committee to retire to its rooms for the consideration of business pending before it.

Granted.

Senate Bill No. 6 ordered engrossed and to a third reading.

Senate Bill No. 4 ordered engrossed and to a third reading.

RESOLUTIONS—(OUT OF ORDER).

Mr. Wilson offered the following resolution out of order, and moved its adoption:

Resolved, That the time for recess be extended until the second reading file is completed, and that when the Senate adjourn at said time, it shall adjourn to meet on Monday, January twenty-first, at two o'clock P. M.

The ayes and noes were demanded by Messrs. McGowan, Greely, and Moffitt, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Hamill, Jones, McDonald, Spellacy, Welch, Wilson, and Yell—19.
 NOES—Messrs. Briceland, Byrnes, Caminetti, Conklin, Dixon, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, White, and Williams—16.

Mr. Caminetti offered the following resolution out of order, at the request of Mr. Langford:

Resolved, That the Judiciary Committee of the Senate be allowed a third clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

LEAVE OF ABSENCE.

Mr. Bowers in the chair.

Mr. Greely asked leave of absence for Mr. Sprague, which was granted.

INTRODUCTION OF BILLS—(OUT OF ORDER).

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Spellacy: Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 12, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Referred to Committee on Commerce and Navigation.

CONCURRENT RESOLUTION.

By Mr. Spellacy: Senate Concurrent Resolution—

WHEREAS, There is a large quantity of rock on Angel Island suitable for the construction of the seawall on the waterfront of San Francisco, which rock in its present condition is of no use to the Federal Government; therefore,

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress be requested to procure such legislation by Congress as will enable the War Department of the Federal Government to furnish to the State rock from Angel Island for the purpose of constructing the seawall upon the waterfront of the City and County of San Francisco.

Resolved, That the Governor of the State is hereby requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Referred to Committee on Commerce and Navigation.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Yell:

WHEREAS, There have been many bills introduced in the Senate which take their place on the general file as soon as they are received from the committee; and, whereas, the general file, and special file, and weekly history of bills, are matters of importance to all, and requires the care and supervision of one clerk; therefore, be it

Resolved, That C. S. Luce be and he is hereby appointed Assistant Clerk, whose duty it shall be to make up the general file, and for such services he shall be paid a per diem of five dollars, payable out of the appropriation for the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Dray:

Resolved, That the President of the Senate be and he is hereby empowered to engage a competent person to attend to the gas and lighting of the Senate, at a per diem of three dollars, and the Controller is directed to draw his warrant in payment of the same against the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Dixon:

Resolved, That the Committee on Finance is hereby authorized to employ a Porter, at a per diem of four dollars, payable out of the appropriation for contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Caminetti:

Resolved, That the State Library be furnished four copies of each bill and concurrent resolution printed by order of the Senate. To be furnished by the Sergeant-at-Arms.

Adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 17, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 106—Entitled "An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

JAS. E. BRITT, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 18, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred the question of a proper method of recording the action of the Senate in ratifying a resolution adopting a charter for government of a city, respectfully report back that it is the sense of this committee that such a resolution should be spread in full upon the Journal of the Senate.

JONES, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 44—An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a commissioner.

Amendment in committee as follows, considered:

In line three strike out from and including the word "at," to and including the word "premises," in line five, and insert in lieu thereof the following: "The Court may appoint such commissioner to sell mortgaged premises as may be agreed upon by the parties to the action; or, in case but one party has appeared, then such commissioner as may be named by such party.

Adopted.

Bill ordered engrossed, and to a third reading.

MOTIONS.

Mr. Moffitt moved to rescind the order by which the Journal was adopted this morning, in order that it may be corrected by inserting the whole of Senate Joint Resolution No. 1, so that it may appear in full upon the Journal.

So ordered.

Mr. Moffitt moved that the Journal be now approved.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Bill ordered engrossed and to a third reading.

Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés.

Amendments by committee considered, as follows:

Amend section three, in line two, of printed bill, by striking out "Inspector of Factories, or officer," and insert in lieu thereof "Commissioner."

Adopted.

Amend section four, in line four, of printed bill, by striking out "Inspector of Factories, or officer," and insert in lieu thereof "Commissioner."

Adopted.

Mr. Britt moved to amend section six, by striking out the word "firm."

Adopted.

Committee amendment to section seven, as follows :

Amend section seven, in line two, of printed bill, by striking out "Inspector of Factories, or officer," and insert in lieu thereof "Commissioner."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors and females.

Mr. Britt moved to amend by striking out the words "No female" in line one of section one.

Adopted.

Section two amended in committee as follows :

Amend section two, by striking out the word "twelve," in line one of printed bill, and insert the word "ten" in lieu thereof.

Adopted.

Amend section two, in line eight of printed bill, by striking out "Inspector of Factories or officer," and insert in lieu thereof "Commissioner."

Adopted.

Amend by striking out all of section four.

Adopted.

Amend section five by striking out the figure 5 after the word "section," and insert in lieu thereof the figure 4.

Adopted.

Mr. Crandall moved to amend by striking out the words "female or" in printed bill.

Adopted.

Mr. Britt moved to amend by striking out the word "firm" in line one, section five.

Adopted.

The committee amended section six, as follows:

Amend by striking out the figure 6 after the word "section," and insert in lieu thereof the figure 5. And further amend by striking out the words "Inspector of Factories, or officer," in line one of printed bill, and insert in lieu thereof "Commissioner."

Adopted.

The committee amended section seven, as follows:

Amend section seven by striking out the figure 7 after the word "section," and insert in lieu thereof the figure 6.

Adopted.

Bill ordered engrossed and to a third reading.

RESOLUTION—(OUT OF ORDER).

By Mr. Caminetti:

WHEREAS, Complaint is made in many parts of the State that the cost of school books now printed and published by the State is exorbitant; therefore, be it

Resolved, That the Governor of the State, the State Board of Education, the State Superintendent of Public Instruction, the State Printer, and the State Board of Examiners, be requested to report to the Senate all information regarding the cost of printing and publishing said books in the possession of their respective departments.

Adopted.

MOTION.

Mr. Caminetti moved that a certified copy be sent to each of the above named officers of the State.

So ordered.

APPOINTMENT OF COMMITTEE.

The Chair announced that he had appointed as a conference committee with the delegation from the Nevada Legislature, Messrs. Moffitt, McGowan, Dargie, and Mead.

RESOLUTION—(OUT OF ORDER).

By Mr. Hamill:

Resolved, That the Sergeant-at-Arms be and he hereby is directed to purchase two desks for the use of the Committee on Engrossed Bills.

Adopted.

JOINT RESOLUTION.

By Mr. White: Senate Joint Resolution, No. 2:

Approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the twentieth day of October, 1888.

WHEREAS, The City of Los Angeles, in Los Angeles County, California, is now and at all times herein referred to was a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and, whereas, at a special election duly held therein on the thirty-first day of May, 1888, according to law and to the provisions of section eight, of article eleven, of the Constitution of this State, a Board of Fifteen Freeholders duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and, whereas, the same was, on the twenty-third day of August, 1888, signed in duplicate by a majority of the members of said Board of Freeholders, and was, on the twenty-third day of August, 1888, returned and delivered, one copy thereof to the Mayor of said City of Los Angeles, and the other copy thereof to the Recorder of Deeds of the County of Los Angeles (within which said city is situated); and, whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the Los Angeles "Evening Express," and in the Los Angeles "Daily Tribune," in each instance for more than twenty days, such publication having, in each instance, been commenced within twenty days after the completion of said proposed charter; and, whereas, said charter was submitted within not less than thirty days after the completion of said publication by the legislative authority of said city, to wit: by the Council thereof, to the qualified electors of said city at a special election, previously duly called, and thereafter held therein, on the twentieth day of October, 1888; and, whereas, the returns of said election were duly canvassed by the Council of the City of Los Angeles, at its meeting held October 22, 1888, and said Council found, as the result of said canvass, and did duly declare that there were cast at said election four thousand five hundred and thirty-two votes, of which number two thousand six hundred and forty-two votes were cast in favor of said charter, and one thousand eight hundred and ninety votes against the same, and that the majority in favor of the charter was seven hundred and fifty-two votes; and said Council did thereupon declare that said charter had been duly ratified by a majority of the qualified electors voting at said election; and, whereas, at said election, a majority

of such qualified electors of said city voting thereat did vote in favor of and did ratify said charter so proposed; and, whereas, said charter, as so ratified, is now submitted to the Legislature of the State of California for its approval or rejection as a whole, in accordance with the provisions of section eight, of article eleven, of the Constitution of said State; and, whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER OF THE CITY OF LOS ANGELES.

ARTICLE I.

INCORPORATION AND CORPORATE POWERS.

SECTION 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name, and with the same boundaries that it now has, to wit: Commencing at a point in the County of Los Angeles, State of California, one hundred chains south of and thirty-five chains and seventy links east from the common corner of townships one and two south, and ranges thirteen and fourteen west, of the San Bernardino base and meridian, running thence east four hundred and twenty-one chains and thirty-six links; thence north four hundred and forty-one chains and thirty-six links; thence west four hundred and twenty-one chains and thirty-six links; thence south four hundred and forty-one chains and thirty-six links, to the place of beginning; said courses being according to the true meridian; said boundaries embracing an area of eighteen thousand five hundred and ninety-seven and one-seventh acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

SEC. 2. The said corporation shall have the power:

1. To make and use a corporate seal and alter the same at pleasure.
2. To sue and be sued in all actions and proceedings whatever.
3. To have perpetual succession.
4. To erect and maintain public buildings, and to lay out, establish, improve, and maintain public parks and cemeteries.
5. To provide for the care of the sick and helpless.
6. To make regulations to prevent the spread of epidemics and contagious and loathsome diseases.
7. To provide for supplying the city and its inhabitants with water and gas, or either or other means of heat and illumination.
8. To lay out, open, extend, widen, improve, or vacate, pave and repave streets and alleys, sidewalks, and crossings, and other highways.
9. To construct and maintain sewers, drains, and other works necessary for the disposition of sewerage.
10. To establish and maintain public schools and public libraries.
11. To levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided*, that the tax levied for any one year, for all municipal purposes, other than payment of interest on the municipal debt and redemption of bonds, shall not exceed one dollar on each one hundred dollars' worth of taxable property.
12. To manage, control, sell, lease, or otherwise dispose of any or all the property of the said corporation, and to appropriate the income or proceeds thereof to the use of the said corporation; *provided*, that it shall have no power to mortgage or hypothecate its property for any purpose.
13. To license and regulate the carrying on of any and all professions, trades, callings, and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings, or occupations, and provide the manner of enforcing the payment of the same; *provided*, that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughter houses, butcher shops, hawkers, peddlers, pawnbrokers, dance cellars, melodeons, shows, circuses, public billiard tables, bowling and tenpin alleys, and to suppress and to prohibit all faro banks, games of chance, gambling houses, tables, or stands, bawdy houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent, or disreputable places of business, or practice.
14. To create offices, and provide for the election or appointment of officers other than those established by this charter, or by the general law, whenever the public convenience may require the same, and prescribe their duties and fix their compensation. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)
15. To acquire by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercise of the powers granted to the said corporation.

16. To fix the salaries of municipal officers, except those officers whose salaries are fixed by this charter.

17. To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules, and regulations for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

18. To protect the property of its inhabitants against inundations.

19. To provide against the existence of filth, garbage, and other injurious and inconvenient matter within the city, and for the disposition of the same.

20. To make the violation of its ordinances a misdemeanor, in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed five hundred dollars, and such imprisonment not to exceed six months.

21. To prescribe the places at which elections shall be held, and appoint the officers of elections.

22. To make and enforce within its limits such other local, police, sanitary, and other regulations as are not in conflict with general laws, and are deemed expedient to maintain the public peace, protect property, promote the public morals, and to preserve the health of its inhabitants.

23. To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

24. The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE II.

OFFICERS OF THE MUNICIPALITY.

SEC. 3. The officers of the municipality shall be:

A Mayor,
One Councilman from each Ward,
A City Clerk,
A Clerk of the Mayor,
A City Treasurer,
A City Auditor,
A City Tax and License Collector,
A City Sealer of Weights and Measures,
One Member of the Board of Education from each Ward,
A City School Superintendent,
Five Directors of the Los Angeles Public Library,
Two Police Judges,
A Clerk for each of the Police Judges,
A City Assessor,
A City Engineer,
A City Attorney,
A Superintendent of Buildings,
A Water Overseer,
A Street Superintendent,
Five Police Commissioners,
A Chief of Police,
A Chief Engineer of the Fire Department,
Five Members of the Board of Health,
A Health Officer,
Five Fire Commissioners,
Five Park Commissioners.

SEC. 4. The following officers shall be elected by the electors of the City of Los Angeles, to wit:

The Mayor,
The City Clerk,
The City Attorney,
The City Treasurer,
The City Auditor,
The City Tax and License Collector,
The City Engineer,
The Street Superintendent,
The City Assessor,
The Police Judges;

and by the electors of each ward respectively, one member of the Council and one member of the Board of Education.

The city shall be divided into nine wards, as follows:

First Ward - All that portion of the city bounded northerly by the north city boundary between the Los Angeles River and the east boundary of the city; easterly by the east boundary of the city, between the northern boundary of the city and Mission Street; southerly by Mission Street, from the east city boundary to its intersection with Mission Road; Mission Road, from its intersection with Mission Street, to its junction with Macy

Street; Macy Street, from its junction with Mission road, to the Los Angeles River; westerly by the Los Angeles River, from Macy Street northerly to the north boundary of the city.

Second Ward—All that portion of the city bounded northerly by the north city boundary, from its west boundary to the Los Angeles River; easterly by the Los Angeles River, from the north city boundary to Downey Avenue; Downey Avenue, from the Los Angeles River to San Fernando Street; San Fernando Street, from Downey Avenue to Upper Main Street; Upper Main Street, from San Fernando Street to Marchessault Street; Main Street, from Marchessault Street to First Street; southerly by First Street, from Main Street to Canal Street; thence along Canal Street to Diamond Street; thence along Diamond Street westerly to the west city boundary; westerly by the west city boundary, from Diamond Street to the north city boundary.

Third Ward—All that portion of the city bounded northerly by Diamond Street, from the west city boundary to Canal Street; Canal Street, from Diamond Street to First Street; First Street, from Canal Street to Main Street; easterly by Main Street, from First Street to Seventh Street; southerly by Seventh Street, from Main Street to west city boundary; westerly by the west city boundary, from Seventh Street to Diamond Street.

Fourth Ward—All that portion of the city bounded northerly by Seventh Street, from west city boundary to Main Street; easterly by Main Street, from Seventh Street to Washington Street; southerly by Washington Street, from Main Street to west city boundary; westerly by west city boundary, from Washington Street to Seventh Street.

Fifth Ward—All that portion of the city bounded northerly by Washington Street, from the west city boundary to Main Street; easterly by Main Street, from Washington Street to south city boundary; southerly by the south city boundary, from Main Street to the southwesterly corner of the city; westerly by the west city boundary, from the southwesterly corner of the city to Washington Street.

Sixth Ward—All that portion of the city bounded northerly by Ninth Street, from Main Street to the Los Angeles River; easterly by the Los Angeles River, from Ninth Street to the south city boundary; southerly by the south city boundary, from the Los Angeles River to Main Street; westerly by Main Street, from the south city boundary to Ninth Street.

Seventh Ward—All that portion of the city bounded northerly by First Street, from Main Street to the Los Angeles River; easterly by the Los Angeles River, from First Street to Ninth Street; southerly by Ninth Street, from the Los Angeles River to Main Street; westerly by Main Street, from Ninth Street to First Street.

Eighth Ward—All that portion of the city bounded westerly and northerly by Main Street, from First Street to Marchessault Street; Upper Main Street, from Marchessault Street to San Fernando Street; San Fernando Street, from Upper Main Street to Downey Avenue; Downey Avenue, from San Fernando Street to the Los Angeles River; easterly by the Los Angeles River, from Downey Avenue to First Street; southerly by First Street, from the Los Angeles River to Main Street.

Ninth Ward—All that portion of the city bounded northerly by Macy Street, from the Los Angeles River to its junction with Mission Road; Mission Road, from its junction with Macy Street, to its intersection with Mission Street; Mission Street, from its intersection with Mission Road, to the east city boundary; easterly by the east city boundary, from Mission Street to the southeasterly corner of the city, southerly by the south city boundary, from the southeasterly corner of the city to the Los Angeles River; westerly by the Los Angeles River, from the south city boundary to Macy Street.

The center of all streets and the center of the Los Angeles River will be in all cases the dividing line.

And the Council herein provided shall have power by ordinance to establish and change the boundaries thereof whenever it may deem it expedient, but until changed by the Council the said wards shall remain as above described and established.

Sec. 5. All elective officers, except those elected at the first general municipal election held after the taking effect of this charter, shall hold their offices for the term of two years, commencing on the first Monday in January next succeeding their election.

Sec. 6. The Mayor shall appoint the Clerk of the Mayor. The following officers shall be appointed by the Mayor, subject to confirmation by a majority of the Council, to wit: The Superintendent of Buildings, the Water Overseer, the Sealer of Weights and Measures, four members of the Board of Health, and the Directors of the Los Angeles Public Library.

Sec. 7. Four Police Commissioners, four Fire Commissioners, and four Park Commissioners shall be appointed by the Council. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief Engineer of the Fire Department shall be appointed by the Board of Fire Commissioners. The Health Officer shall be appointed by the Board of Health. Each Police Judge shall appoint his own Clerk.

Sec. 8. If any elective officer shall die, or remove from the city, or absent himself from the city for more than thirty days, or shall fail to qualify by taking the oath of office, and filing his official bond, as required, within ten days from the time he receives his certificate of election or appointment, or if he shall resign or be convicted of a felony, or adjudged insane, or shall absent himself from his office for more than five days without the consent of the Council, his office may be declared vacant by the Council, and it shall thereupon fill the vacancy.

SEC. 9. All appointed officers shall hold office until removed by the appointing power, which shall have the power of removing in all cases; *provided*, that where confirmation is required, the assent of the confirming body shall be requisite for removal.

The Council shall have power to suspend any officer of the city, pending trial, against whom criminal proceedings based on misdemeanor in office or civil action for recovery of money due the city have been commenced, and to appoint a substitute for such officer during suspension.

In all voting upon the appointment, confirmation, suspension, and removal of officers the members of the Council, or other body appointing, confirming, suspending, or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

SEC. 10. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the State of California, and that I will faithfully discharge the duties of the office of (here insert the name of the office) according to the best of my ability."

SEC. 11. No member of the Council shall, during the term for which he shall have been elected, be eligible to any office to be filled or confirmed by the Council; nor shall any member of the Council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled or confirmed by the Council.

ARTICLE III.

POWERS AND DUTIES OF THE COUNCIL.

SEC. 12. All legislative power of the city is vested in the Council, subject to the power of veto and approval by the Mayor, as hereinafter given, and shall be exercised by ordinance; other action of the Council may be by order upon motion.

SEC. 13. The said Council, consisting of one Councilman from each ward, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time, and place of holding all regular and special meetings.

SEC. 14. The Council shall meet in the City Hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

SEC. 15. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Los Angeles do ordain as follows."

SEC. 16. Six members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done, granting a franchise, making any contract, auditing any bill, ordering any work to be done or supplies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless two thirds of the members of the whole Council vote in favor thereof. All other ordinances may be passed by vote of a majority of the whole Council.

SEC. 17. All bonds of officers must be approved by the Council, as also the bonds of any contractors with the city. The City Clerk shall indorse upon such bonds the date of their approval, which indorsement shall be signed by the presiding officer of the Council, and the City Clerk.

SEC. 18. No Councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city on behalf of the city. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalty that may be imposed by a Court of competent jurisdiction, the Council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

SEC. 19. The City Clerk shall be present at the meeting of the Council during its sessions.

SEC. 20. The meetings of the Council shall be public, and a journal of its proceedings shall be kept by the Clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers, and in all other cases upon the call of any member.

SEC. 21. The Council shall be the judge of the election and qualifications of its members. It shall elect one of its members as its presiding officer, who shall be styled the President of the Council, and who shall, in case of sickness of the Mayor or his absence from the city, act as the Mayor of the city. The Council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, and imprisonment not exceeding ten days, or by both such fine and imprisonment.

SEC. 22. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

SEC. 23. It shall provide suitable rooms for the Police Court and officers, and the furniture, fuel, lights, and stationery necessary for the transaction of the business of the city.

SEC. 24. It shall, by ordinance, regulate the entrance to and exits from theaters, lecture rooms, churches, public halls, and public buildings of every kind, and prohibit the placing of chairs, benches, or other obstructions in the hall, aisles, or open places therein.

SEC. 25. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof.

SEC. 26. It shall make such arrangements as it may deem best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the Police Courts, and may, by ordinance, require all persons held under such sentence to perform any public work.

SEC. 27. It shall, by ordinance, regulate, and may prohibit, the keeping of gunpowder, acids, or other explosive, combustible, or inflammable material, within the limits of the city, or any specified part thereof.

SEC. 28. It shall provide for the survey of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now, or may be hereafter lawfully established and declared official, or otherwise dedicated.

SEC. 29. It shall, by ordinance, establish stands for hacks and other vehicles for hire, and regulate the charges of hacks and other vehicles carrying passengers for hire, and require a schedule of such charges to be posted in every such hack or other passenger vehicle.

SEC. 30. It shall, by ordinance, establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

SEC. 31. The Council shall have power, by ordinance, to regulate and provide for lighting of streets, laying down gas pipes, and erection of lamp posts, electric towers, and other apparatus, and to regulate the sale and use of gas and electric light, and fix and determine the price of gas and electric light, and the rent of gas meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service and connections; and to prohibit or regulate the erection of poles for telegraph, telephone, or electric wire in the public grounds, streets, or alleys, and the placing of wire thereon; and to require the removal from the public grounds, streets, or alleys of any or all such poles, and the removal and placing under ground of any or all telegraph, telephone, or electric wires.

SEC. 32. It shall, by ordinance, provide for the naming of streets, and numbering of houses, and for regulating or preventing the exhibition of banners, flags, or placards across the street or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device, or flag of any State or nation except that of the United States, the State of California, or the City of Los Angeles.

It may, by ordinance, authorize the expenditure of money not to exceed the sum of three thousand dollars in any one fiscal year, for the proper celebration of the fourth of July and other public demonstrations.

SEC. 33. It shall, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets.

SEC. 34. It shall, by ordinance, regulate the speed of railroad trains and engines in the city, and require railroad companies either to station flagmen, place gates, or viaducts at all such streets as it may deem proper.

SEC. 35. It shall, by ordinance, prohibit the making up of railroad trains on any of its streets, and the stopping of any train on any street crossing.

SEC. 36. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and of all material detrimental to the public health, and at such time as it will be best for the public good.

SEC. 37. Every ordinance which shall have been passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council to sign the same on its behalf, and be presented to the Mayor for his approval and signature, if he approves it; if not, he shall indorse thereon the date of the presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall indorse thereon the date of its return to him, and shall at the first meeting of the Council thereafter present the same, with the objections of the Mayor, to that body. Thereupon, the Council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of two thirds of the whole Council are required to pass the ordinance in the first instance, it shall require the votes of three quarters of the whole Council to pass the ordinance over the Mayor's veto. In all other cases, it shall require the votes of two thirds of the whole Council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the Journal.

Sec. 38. If any ordinance shall not be returned to the City Clerk by the Mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the Mayor had approved and signed it.

Sec. 39. All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Los Angeles, or by posting for at least ten days in three public places in said city; and until and without such publication or posting, no ordinance shall be valid or take effect.

Sec. 40. The Council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

ARTICLE IV.

POWERS AND DUTIES OF OFFICERS—THE MAYOR.

Sec. 41. The Mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs.

It shall be the duty of the Mayor, annually, at the first meeting of the Council under this charter, and on the first meeting in January of each year thereafter, to communicate by message to the Council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the Council from time to time as he shall deem expedient. It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all its officers and employes; to receive and examine into all complaints made against them, for violation or neglect of duty, and certify the same to the Council or proper Board. And he shall perform such other duties and have such other powers as are elsewhere in this charter or by ordinance imposed upon or granted to him.

CITY CLERK.

Sec. 42. The City Clerk shall have the custody of, and be responsible for, all books, papers, records, and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody; he shall be present at each meeting of the Council, and keep a record of its proceedings; he shall keep separate books in which, respectively, he shall record all ordinances and contracts and official bonds; he shall keep all of his books properly indexed and open to public inspection when not in actual use; he shall make out, sign, and deliver to the City Auditor all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this charter or by ordinance; he shall devote his entire time to the duties of his office.

CITY AUDITOR.

Sec. 43. The City Auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection, or disbursement of the city revenues. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person. He shall, on application of any person indebted to the city holding money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the City Treasurer for money paid into the City Treasury, charge the City Treasurer with the amount received by him, and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the City Treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses. He shall report to the Council at the regular meeting of each week the condition of each fund in the City Treasury, and the amount drawn from each fund the preceding week. He shall make and present a report to the Council at its meeting in the second week of December of each year, showing all financial business transactions of the city for the preceding year ending the thirtieth day of November last. He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in article twenty-one. He shall, on or before the first day of August in each year, make and present to the Council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of, first, the revenue from other sources than taxation; second, the itemized expenditures; third, the itemized amounts necessary to be raised by taxation for each fund. He shall perform such other duties as shall be required of him by this charter or by ordinance. He shall devote his entire time to the duties of his office.

CITY TREASURER.

Sec. 44. It shall be the duty of the City Treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands

legally audited in the manner hereinafter provided; and without such auditing, he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable. He shall receive no money into the City Treasury unless accompanied by the certificate of the City Auditor, provided for in section forty-three hereof. He shall issue receipts in duplicate to all persons paying money into the Treasury, one of which receipts shall be forthwith deposited with the City Auditor. He shall make a report at the close of each business day, to the Auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account, and from whom received and to what fund applied. He shall, on or before the seventh day of each month, make out and present to the Council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the Council. The Mayor, City Attorney, City Auditor, the Finance Committee of the Council, or any special committee appointed by the Council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the Treasurer at all times; and the Mayor, Auditor, or Finance Committee shall also have the right to inspect and count all public moneys under the Treasurer's control, or on deposit elsewhere. Whenever the city shall provide a proper vault and safes in the City Hall for the keeping of the city money, the Treasurer shall keep said moneys in said vault, except as hereinafter provided. It shall be in the power of the Council, by ordinance, at any time to require the City Treasurer to devote his entire time to the duties of his office. It shall be the duty of the City Clerk, upon the first Tuesday of January in each year, or as soon thereafter as practicable, to cause notice to be given, by public advertisement for one week in some daily newspaper published in the City of Los Angeles, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month, estimated upon the daily balances, that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Council, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Council shall thereupon cause a contract in writing to be drawn, and providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money to the credit of said city on deposit in said bank to pay the same, and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit, at the end of the term for which said contract shall be made, to the City Treasurer, or other person authorized by the Council to demand and receive the same. The Council shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said city. The contract, when approved by the Council, shall be signed in behalf of the city, as hereinafter provided by section two hundred and seven of this charter. Such depository, thus selected, shall give a bond, with two or more sureties, in the sum of one hundred thousand dollars, or such further sum as the Council may require, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Council. Upon approval of such bond, and the signing of such contract, the Council shall direct the City Treasurer to deposit each day, when such bank is open for transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon by and in the name of said corporation, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; or he may be proceeded against by said corporation, in its own name, by mandate brought against him under the laws of this State, applicable thereto, to compel such deposit to be made.

CITY TAX AND LICENSE COLLECTOR.

SEC. 45. It shall be the duty of the City Tax and License Collector, in addition to the duties which may be elsewhere prescribed for him in this charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the City Assessor. He shall keep proper books, showing all moneys collected by him as Tax and License Collector. He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times subject to public inspection. He shall immediately deposit with the City Treasurer all moneys received by him in his capacity as Tax and License Collector.

CITY ASSESSOR.

SEC. 46. It shall be the duty of the City Assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such time as may be prescribed by ordinance of said city, either now in force or which may

hereafter be passed in pursuance hereof, a full, true, and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian, on the first Monday of March next preceding. Each taxpayer in said city shall make and deliver to the City Assessor, annually, and at such times as shall be provided for by ordinance, a statement under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March next preceding. It shall be the duty of the Assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year. Immediately after fixing the assessment on such property, he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent, and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the City Attorney and City Assessor, the Assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent. The said sale shall be made by him in the manner provided in sections three thousand seven hundred and ninety-one, three thousand seven hundred and ninety-two, three thousand seven hundred and ninety-three, three thousand seven hundred and ninety-four, three thousand seven hundred and ninety-five, and three thousand seven hundred and ninety-six of the Political Code of the State of California, *provided*, that the newspaper referred to in section three thousand seven hundred and ninety-two shall be published in the city, and shall be designated by the Council. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected. Should the Board of Equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said Board, then the deficiency must be collected as other taxes on personal property are collected. The Assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the City Treasurer all money received immediately upon its receipt. In case the said Assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the Council is authorized and directed to cause proper action or actions at law to be brought against said Assessor and the sureties on his official bond to recover the same. The mode of making out assessment lists, of ascertaining the value of property, and of equalizing the same, shall be such as is now, or may hereafter be, prescribed by the ordinances of the city. When such list has been made out and the same returned to the Council, as prescribed by such ordinances, the Council shall, at the time and in the manner in such ordinance provided, sit and act as a Board of Equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the Board of Supervisors of Los Angeles County, as a Board of Equalization of State and county taxes. The meetings of the said Board of Equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The whole of said assessment list shall be publicly read during the session of said Board. The said Board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property, *provided*, that before any such assessment shall be increased due notice shall be given to the owner or owners of the property, the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the Board, under oath; such notice to be regulated in all respects by ordinance. After such list has been equalized, it shall be returned to the Council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for that fiscal year. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made, which lien shall attach as of the first Monday of March in each year. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property, when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owners is paid, or the property sold for the payment thereof. The said corporation shall have such other rights, claims, and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Los Angeles County. The mode and manner of collecting such

municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county; *provided, however*, that the Council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates, and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect, and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of State and county taxes in said county.

BOARD OF EDUCATION; BOARD OF DIRECTORS OF THE LOS ANGELES PUBLIC LIBRARY; BOARD OF HEALTH; BOARD OF POLICE COMMISSIONERS; BOARD OF FIRE COMMISSIONERS; BOARD OF PARK COMMISSIONERS.

SEC. 47. The powers and duties of these Boards shall be those herein elsewhere set forth, and granted or imposed by ordinance.

CITY ENGINEER.

SEC. 48. In addition to other duties imposed upon him by this charter or by ordinance of the Council, the City Engineer shall:

1. Make all surveys, inspections, and estimates required by the Council.
2. He shall examine all public works done under contract, and report thereon to the City Council.
3. He shall do no work for, and take no fee or professional recompense from, any individual or corporation other than the city during his term of office; *provided, however*, that on application of any person owning or interested in real property in said city for a survey or plat of such property, the City Council may direct such work to be done by the City Engineer, and the fee for such work shall be fixed by him in accordance with current rates for like services, and shall in all cases be paid into the City Treasury.
4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full index thereof, and shall turn over the same to his successor.
5. All maps, plats, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the city. He shall devote his entire time to the duties of his office.

THE CITY ATTORNEY.

SEC. 49. It shall be the duty of the City Attorney to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, the Council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing, whenever required by the Mayor or Council; and shall do and perform all such things touching his office as by the Council may be required of him. He shall approve by indorsement in writing the form of all official or other bonds required by this charter, or by ordinance of the Council, before the same are submitted to the Council or Mayor for final approval, and no such bonds shall be approved by the Mayor or Council without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

SUPERINTENDENT OF BUILDINGS.

- SEC. 50. 1. The Superintendent of Buildings shall be an architect, builder, or master mechanic of approved character and experience.
2. He shall superintend the erection of all buildings erected by or for the city.
3. He shall have charge of the enforcement of all ordinances pertaining to party walls, and to the erection, construction, alteration, repairs, or removal of buildings, and the nature and arrangement of heating, plumbing, and ventilating appliances. It shall be the duty of the City Engineer and the Chief Engineer of the Fire Department, when called upon by him, to aid him in all inspections.
4. He shall issue and keep a record of all building permits authorized by ordinance, and collect and deposit the charges for the same with the Treasurer, immediately upon receipt, and perform such other duties as shall be prescribed by this charter or by ordinance. He shall devote his entire time to the duties of his office.

WATER OVERSEER.

SEC. 51. The Water Overseer shall have the general charge, care, and supervision of all waters and waterworks belonging to the city, and of the distribution of said waters, so far as the same shall be intrusted to him by ordinance. He shall collect and immediately turn over to the City Treasurer all charges imposed by the city for the use of such water or sale thereof, and shall perform such other and further duties as may be prescribed by ordinance. He shall devote his entire time to the duties of his office.

STREET SUPERINTENDENT.

Sec. 52. The Street Superintendent shall have the general care of, and frequently inspect, the streets of the city. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done under contract or otherwise; and shall at once report to the Council all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance. He shall devote his entire time to the duties of his office.

CHIEF OF POLICE.

Sec. 53. The Chief of Police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Board of Police Commissioners, and all orders of the Board relating to the direction of the police force shall be given through the Chief of Police, or, in his absence, the officer in charge of the police force.

Sec. 54. The Chief of Police shall be the principal ministerial officer of the corporation, and may, with the approval of the Board of Police Commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible. He shall, by himself or by deputy, execute and return all writs and process issued by the Police Judges or Court. He, or one of his deputies, shall attend on the sittings of the Police Court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases for violation of the city ordinances, shall be coextensive with the county.

Sec. 55. He shall suppress all riots, disturbances, and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, within the limits of the city, any person fleeing from justice from any part of the State, and shall forthwith bring all persons by him arrested before a Police Judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or States.

Sec. 56. He shall have, in the discharge of his proper duties, like powers, and be subject to like responsibilities, as a Sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or ordinance.

HEALTH OFFICER.

Sec. 57. The Health Officer shall have such powers and perform such duties as are herein or may by ordinance be granted to or be imposed upon him.

ANNUAL REPORTS OF OFFICERS.

Sec. 58. It shall be the duty of the Mayor, City Attorney, City Treasurer, City Assessor, City Tax and License Collector, Chief of Police, City Auditor, Health Officer, Water Overseer, City Clerk, City Engineer, Superintendent of Buildings, Street Superintendent, Chief Engineer of the Fire Department, City Sealer of Weights and Measures, City School Superintendent, Board of Directors of the Los Angeles Public Library, and the Board of Park Commissioners, each to present to the Council at its meeting in the second week in December of each year, a report for the preceding year, ending the thirtieth day of November last, which shall show as follows:

1. The Mayor shall, in addition to his report as Mayor, inform the Council of the condition of the Police Court, the number of arrests made, the offenses charged and how disposed of, the penalties inflicted and the amount of fines, and from whom collected; and to that end he may require such reports from the Police Judges as he may deem necessary.

2. The City Attorney shall, in his report, present an abstract of all actions and proceedings in the Supreme and Superior Courts, where the city is an interested party; and shall show what cases have been disposed of during the year, and in what manner, and the condition of those remaining on the calendar.

3. The City Treasurer shall show, in his report, specifically, the amount of all indebtedness of the city; of money received by him during the year, the date of the receipt thereof, and from whom; the amount paid out, when, and to whom; and the date and number of the demands on which the respective amounts are paid.

4. The City Tax and License Collector shall report the amount of money received, and on what account.

5. The City Assessor shall, in his report, show the amount of personal property taxes collected by him, together with the amount of any fees which he may have received on account of such collection in each case.

6. The City Auditor shall make a proper statement of the transactions of his office, as provided in section forty-three.

7. The Chief of Police shall report the number of arrests made by him, the offenses charged and how disposed of, the number and names of the policemen employed, when appointed and when discharged, and all money and other property received from prisoners and the disposition of the same.

8. The Health Officer shall show the condition of the health of the city during the year, and the number of cases of diseases which he has treated, and other matters of interest pertaining to his office.

9. The Water Overseer shall, in his report, show the amount of water rates or charges collected by him, and shall make a detailed statement of the condition of the water systems of the city, so far as the same are intrusted to his charge.

10. The report of the City Clerk shall show the number of licenses issued, and for what amount.

11. The report of the City Engineer shall show the character, cost, and condition of all public works and improvements in course of construction during the year.

12. The report of the Superintendent of Buildings shall show the cost of erection, alteration, and repair of all buildings during the year, and shall show also the general results of his inspection of buildings during the year. He shall report also the number of building permits issued by him.

13. The Street Superintendent shall report upon the condition of the streets of the city and the improvements of the same during the year, and shall show what action was taken by him in the enforcement of ordinances pertaining to street obstructions, and in regard to deviations from contracts in the construction of public works.

14. The report of the Chief Engineer of the Fire Department shall show the condition of the fire department and its apparatus, giving a detailed statement thereof; also, the work of the department during the year.

15. The report of the City Sealer of Weights and Measures shall show the amount of charges collected by him, and such other matters as are intrusted to him.

16. The report of the City School Superintendent shall show the number and condition of the public schools, the number of teachers and their salaries, and the number of pupils in attendance.

17. The report of the Board of Directors of the Los Angeles Public Library shall show the condition of their trust for the year ending the thirtieth day of November of that year, the various sums of money received from the Library Fund and from other sources, for what purpose such moneys have been expended, and the amount so expended and the balance on hand; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, the number of visitors attending, the number of books loaned out, and the general character and kind of such books; with such information and suggestions as it may deem of general interest.

18. The report of the Park Commissioners shall show the condition of the parks, with the kind, cost, and expense of the improvements, including the entire cost and expense of the department for the year ending November thirtieth last preceding.

ANNUAL ESTIMATES.

SEC. 59. Every officer or Board of the city shall make out and file with the City Auditor, on or before the fifteenth day of July in each year, an estimate of the expenses of his or its office or department for the year commencing on the first day of July preceding said report.

ADMINISTRATIONS OF OATHS AND AFFIRMATIONS.

SEC. 60. The Mayor, City Auditor, each member of the Council, each member of the Board of Education, and the City Treasurer, shall have the power to administer oaths and affirmations concerning any demand on the City Treasury, or otherwise relating to their official duties; and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

ARTICLE V.

OFFICIAL BONDS.

SEC. 61. The following named officers of said city shall respectively execute to said municipal corporation, bonds in the following sums, respectively, conditioned for the faithful discharge by them of the duties of their respective offices, to wit:

The bond of the City Auditor is fixed at ten thousand dollars.

The bond of the City Tax and License Collector is fixed at one hundred thousand dollars.

The bond of the City Assessor is fixed at ten thousand dollars.

The bond of the City Treasurer is fixed at one hundred and fifty thousand dollars.

The bond of the City Engineer is fixed at ten thousand dollars.

The bond of the City Attorney is fixed at five thousand dollars.

The bond of the Water Overseer is fixed at two thousand dollars.

The bond of the Street Superintendent is fixed at ten thousand dollars.

The bond of the Chief of Police is fixed at five thousand dollars.

The bond of the Health Officer is fixed at two thousand dollars.

The bond of the City Clerk is fixed at five thousand dollars.

The bond of the City Sealer of Weights and Measures is fixed at five thousand dollars.

SEC. 62. Each such official bond shall be executed by two or more sureties, who shall each be a resident of the City or County of Los Angeles, and the owner of real estate therein, valued over and above all incumbrances, upon the last city or county assessment roll, at not less than the aggregate amount for which he becomes responsible upon such

official bonds. Each surety shall be approved as hereinafter set forth, and shall bind himself in a sum not less than one thousand dollars. The aggregate amount of the sums which the sureties on any of such bonds shall respectively bind themselves to pay, shall be at least double the sum in which the principal on such bond binds himself. No such surety shall be held liable on such bond for a larger sum of money than that which he specifically binds himself to pay, together with such costs of action as may be allowed by the Court on the recovery of judgment against him on such bonds. Section nine hundred and sixty-three of the Political Code shall apply to the official bonds given under the requirements of this charter. Each surety on any bond given under the provisions of this charter shall justify in double the amount for which he binds himself on such bond. The bonds of all officers, after approval by the City Attorney, as to form, shall be approved by the Mayor and the Council, and after such approval shall be filed with and remain in the keeping of the City Auditor; *provided*, that the bond of the City Auditor shall be filed with and remain in the keeping of the City Clerk.

SEC. 63. The Council may, by ordinance, increase the amount of bond hereby required from any officer, but may not decrease the same; and may require a bond to be given by any officer not herein required to give a bond, and may fix its amount.

SEC. 64. If the bond of any officer should at any time become insufficient, the Council may notify and require him to give additional security; and, in case of his failure to do so within fifteen days, may declare his office vacant; and it shall be the duty of the Mayor at once to take into his charge all books and papers, money, and other public property at the time in the hands or under the control of such officers so notified, and retain the same until such additional security is given, or the election or appointment and qualification of a successor. For the better enforcement of this section, the Mayor is authorized, at the cost of the city, to commence and prosecute in his own name all appropriate actions and proceedings.

ARTICLE VI.

SALARIES OF OFFICERS.

SEC. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments, at the end of each calendar month:

The Mayor shall receive three thousand six hundred dollars per annum.
 Each Councilman shall receive one thousand two hundred dollars per annum.
 The City Clerk shall receive two thousand four hundred dollars per annum.
 The City Auditor shall receive three thousand dollars per annum.
 The City Assessor shall receive two thousand four hundred dollars per annum.
 The City Treasurer shall receive two thousand four hundred dollars per annum.
 The City Engineer shall receive three thousand dollars per annum.
 The City Attorney shall receive three thousand dollars per annum.
 The Superintendent of Buildings shall receive two thousand dollars per annum.
 The Street Superintendent shall receive three thousand dollars per annum.
 The Chief of Police shall receive three thousand dollars per annum.
 The Health Officer shall receive two thousand four hundred dollars per annum.
 The City Tax and License Collector shall receive three thousand dollars per annum.

SEC. 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed.

SEC. 67. No officer of the city shall be compensated by fees or commissions, but only by a fixed salary, payable monthly; and such salary shall not be increased or diminished during his term of office, nor after his election or appointment and before the commencement of the term.

SEC. 68. No city officer shall retain any fee, recompense, or compensation received by him for the discharge of any duty of his office from any person other than the city, but shall immediately pay over to the Treasurer of the city all such sums of money so received.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

SEC. 69. The government of the school department of the city shall be vested in a Board of Education, to consist of nine persons, to be elected as herein provided, to be called members of the Board of Education, who shall serve without salary.

SEC. 70. The Board of Education shall elect one of their number President, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by a rule of said Board. A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its records shall be open to public inspection. The Board shall fill all vacancies occurring in that body until the next general municipal election.

SEC. 71. The Board of Education succeeds to all the property rights and to the obligations of the Board of Education of the City of Los Angeles heretofore existing, and it shall have sole power:

1. To establish and maintain public schools, including high schools, to change, consolidate, and discontinue the same, and to establish school districts, and to fix and alter the boundaries thereof.

2. To appoint or employ, and dismiss the City School Superintendent, a Deputy Superintendent, a clerk, and such teachers, janitors, school census marshals, mechanics, laborers, and other employes as may be necessary to carry into effect the powers and duties of the Board, to fix, alter, and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish, and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books, course of study, and mode of instruction shall be used in said schools.

4. To provide for the school department fuel and lights, water, blanks, blank books, printing, and stationery; and to incur such other incidental expenses as may be deemed necessary by said Board.

5. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure against fire any and all such school property.

6. To take and hold in fee, or otherwise, in trust for the city, any and all real estate and personal property that may have been acquired, or may hereafter be acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property: *provided*, that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses.

7. To grade, fence, and improve all school lots, and in front thereof to grade, sewer, or pave, and repair the streets, and to construct and repair sidewalks.

8. To sue for any and all property belonging to or claimed by the said Board of Education, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the City Attorney free of charge in all such cases.

9. To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on or before the fifteenth day of July of each year, submit in writing to the City Council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city for the above purposes, and the City Council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes: *provided*, that the amount to be thus levied for school purposes shall not exceed twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the School Fund.

10. To establish regulations for the just and equitable disbursement of all moneys belonging to the School Fund.

11. To examine and approve, in whole or in part, in the manner provided in section two hundred and twelve, every demand payable out of the School Fund, or to reject any such demand for good cause.

12. To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

13. To prohibit any child under six years of age from attending the public schools.

14. In its discretion to establish kindergarten schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

15. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

16. And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in said city.

Sec. 72. All contracts for building shall be given to the lowest bidder therefor, offering adequate security, to be determined by the Board after due public notice, published for not less than ten days in the official newspaper of the city. It shall be the duty of the Board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed five hundred dollars, shall be done or furnished by contract let to the lowest bidder, after like public advertisement: *provided*, that the Board of Education may reject any and all bids under this section.

Sec. 73. Any member of the Board of Education, officer, or other person, officially connected with the school department, or drawing a salary from the Board of Education, who, while connected or drawing such salary, upon investigation by the Board of Education, shall be found to be interested either directly or indirectly in, or to have gained any advantage or benefit from, any contract, payments under which have been or are to be made in whole or in part from moneys derived from the School Fund, or raised by taxation, or otherwise, for the support of the public schools, shall forfeit his office, and the Board of Education shall thereupon declare such office vacant.

Sec. 74. The Board of Education shall, before the thirtieth day of June of each year, fix a schedule of salaries for teachers and employes of the school department, to take effect on the first day of July following, and to remain in force during one year.

SCHOOL SUPERINTENDENT.

SEC. 75. The Superintendent, with the approval of the Board of Education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the Board of Education. It shall be the duty of the Superintendent to report to the Board of Education annually, and at such other times as it may require, all matters pertaining to the expenditures, income, and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a month, to observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the Board; to recommend to the Board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the Board, and inform it at each session of the condition of the public schools, school houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city; and to acquaint himself with all the laws, rules, and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SCHOOL FUND.

SEC. 76. The School Fund shall consist of all moneys received from the State School Fund and County School Fund, and of all moneys arising from taxes which shall be levied annually by the City Council of the city for school purposes; of all moneys arising from the sale, rent, or exchange of any of the school property, and of such other moneys as may, from any source whatever, be paid into any School Fund. The School Fund shall be separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 77. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit:

1. For the payment of salaries or wages of the Superintendent, Deputy Superintendent, clerk, teachers, janitors, school census marshals, and other persons who may be employed by said Board.
2. For the erection, alteration, repairs, rent, and furnishing of school houses.
3. For the purchase money or rent of any real or personal property purchased or leased by said Board.
4. For the insurance of all school property.
5. For the discharge of all legal incumbrances on any school property.
6. For lighting the school rooms and the offices and rooms of the Superintendent and Board of Education.
7. For supplying the schools with fuel, water, apparatus, blanks, blank books, and necessary school appliances, together with books for indigent children.
8. For supplying books, printing, and stationery for the use of the Superintendent and Board of Education, and for the incidental expenses of the department.
9. For grading and improving all school lots, and for grading, sewerage, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 78. All demands authorized by this article shall be paid by the City Treasurer from the School Fund; *provided*, that the said Board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the School Fund for such year; but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the general laws of the State, for the purpose of defraying the cost of such permanent improvements.

SEC. 79. It shall be the duty of the Auditor of the County of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the Superintendent of Schools of such county the amount of school moneys at that time in the County Treasury, and the amount received during the previous month. The County Superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate so indorsed shall be at once returned to said Auditor, who shall direct upon the same the County Treasurer to pay the sum designated upon such certificate to the Treasurer of the city for the use of the School Fund thereof.

SEC. 80. The Treasurer of said county shall thereupon pay to the Treasurer of said city the sum directed by the Auditor as above provided; and when said moneys are placed in the City School Fund, they shall be used in precisely the same manner as moneys raised by city school taxes in the city; *provided*, that the entire revenue derived by the city from the State School Fund and State School Tax Fund, shall be applied by said Board of Education exclusively to the support of primary and grammar schools.

ARTICLE VIII.

LIBRARY DEPARTMENT.

SEC. 81. The public library and reading-room, known as the "Los Angeles Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said Library hereinafter provided.

SEC. 82. There shall be levied and collected annually, on all taxable property in the city, as in other cases, a tax sufficient to maintain such library, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year: *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the general laws of the State, for the purpose of defraying the cost of such improvements.

DIRECTORS.

SEC. 83. The Mayor shall, immediately after his qualification under this charter, appoint a Board of five Directors, subject to confirmation by the Council, for said library, who shall serve without compensation, and be known as the "Board of Directors of the Los Angeles Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the City Council shall be at any one time a member of said Board.

SEC. 84. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, subject to confirmation by the Council, for the balance of the unexpired term. The Mayor may, by and with the consent of the City Council, remove any Director for misconduct or neglect of duty.

ORGANIZATIONS.

SEC. 85. Said Directors shall, immediately after appointment, meet and organize by the election of a President from one of their number. The Librarian shall be clerk of the Board, and shall keep a record and full minutes in writing of all their proceedings, and may certify to such proceedings, or any portion thereof, under his hand, to be verified by seal, if a seal be adopted and provided by the Board for that purpose.

POWERS OF THE BOARD.

SEC. 86. Such Board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length, shall have power to make and enforce all such by-laws, rules, and regulations as may be necessary or expedient for its own guidance, and for the administration, government, and protection of such library, reading-room, and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of all such employes; to appoint a Librarian and necessary assistants, and such other employes as may be necessary, and for good cause, to remove them; to control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in article twenty-one; to purchase or lease all necessary real property whereon to construct, and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading-room; *provided*, that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the President and Clerk of the Board. All libraries and reading-rooms heretofore established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody, and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this charter.

WHO MAY USE THE LIBRARY.

SEC. 87. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from

the use of said library and reading-room any and all persons who shall willfully violate such rules, and said Board may extend the privileges and use of such library and reading-room to persons residing outside the city, upon such terms and conditions as said Board may, from time to time, by its regulations prescribe.

DONATIONS AND CONVEYANCES.

SEC. 88. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property, or real estate so donated, in "The Board of Directors of the Los Angeles Public Library," hereby created, to be owned, held, and controlled by such Board when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said Board, in its name, as such special trustee; and the City of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed by said Board, as such special trustee, any part of the real property of the city not otherwise appropriated.

SEC. 89. The Board of Directors shall make the annual report and estimate hereinbefore required.

SEC. 90. The City Council shall have the power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or the property thereof, or for injury or failure to return any book belonging to such library.

ARTICLE IX.

POLICE.

SEC. 91. The Mayor and four citizens, to be appointed by the Council (not more than two of whom shall be members of the same political party, and who shall serve without compensation), shall constitute the Board of Police Commissioners of the city.

SEC. 92. The Police Commissioners shall meet at least once a week.

SEC. 93. The Police Department shall consist of the Chief of Police and as many subordinates officers and regular and special policemen and detective officers as the Council shall by ordinance determine. All appointments and removals in the force shall be made by the Board of Police Commissioners.

SEC. 94. The salary of the whole force, except the salary of the Chief of Police, herein elsewhere provided for, shall be fixed by the Council by ordinance.

SEC. 95. The Police Commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation.

SEC. 96. The Board of Police Commissioners, the Chief of Police, and other officers and employes, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

ARTICLE X.

POLICE COURTS.

SEC. 97. The judicial power of the city shall be vested in a Police Court.

SEC. 98. Each of the Police Judges may hold such Court, and there may be as many sessions of the Police Court held at one time as there are Police Judges.

SEC. 99. The Police Judges shall have the powers of examining magistrates, and may commit offenders for trial in the proper Court.

SEC. 100. The Police Court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and of all civil actions and proceedings arising out of a violation of such ordinances, and for the collection of any license required by any ordinance, except such actions and proceedings as fall within the jurisdiction of other Courts under the provisions of the Constitution of this State.

SEC. 101. The Police Court shall also have exclusive jurisdiction of the following public offenses committed within the city (except when prosecuted by indictment or information): First, petit larceny; second, assault and battery; third, breaches of the peace, riot, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment in the County Jail, or by both; fourth, proceedings respecting vagrants, lewd, or disorderly persons.

SEC. 102. The clerks of said Court shall remain at their respective Court rooms during business hours, and for such reasonable time thereafter as may be necessary for the discharge of their duties.

SEC. 103. All fines, penalties, and forfeitures collected by said Police Court shall be the property of the city, and shall be immediately deposited with the City Treasurer for the use of said city.

SEC. 104. The city shall furnish the necessary dockets, and all blanks and other books and papers and stationery necessary in the transaction of the business of the said Police Court. A complete record of all cases shall be entered in the docket of said Court. Separate dockets shall be kept for the civil and criminal business.

SEC. 105. The said Court shall have a seal, which shall be furnished by the city.

SEC. 106. The Police Court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XI.

FIRE DEPARTMENT.

SEC. 107. The Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party, and who shall serve without compensation, shall constitute the Board of Fire Commissioners of the city.

SEC. 108. The Fire Commissioners shall meet at least once a week.

SEC. 109. The fire department shall consist of a Chief Engineer and as many subordinate officers, firemen, and employes as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removals in the department shall be made by the Board of Fire Commissioners.

SEC. 110. The salary of all officers and employes of the fire department shall be fixed by ordinance.

SEC. 111. The Board of Fire Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 112. The Board of Fire Commissioners and the Chief Engineer and other officers and employes shall have such other powers, and perform such other duties, as may be granted or imposed by ordinance.

ARTICLE XII.

PARK DEPARTMENT.

SEC. 113. All lands and real property located in the City of Los Angeles, which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public, as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part or said lands or real property shall ever be used or occupied for any other purpose.

SEC. 114. The Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party, and who shall serve without compensation, shall constitute the Board of Park Commissioners of the city.

SEC. 115. The Park Commissioners shall meet at least once a month.

SEC. 116. The park department shall consist of as many officers and employes as the Council may, by ordinance, from time to time determine to be necessary. All appointments and removals in the department shall be made by the Board of Park Commissioners.

SEC. 117. The salary of all officers and employes of the park department shall be fixed by ordinance.

SEC. 118. The Board of Park Commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 119. The Board of Park Commissioners shall have such other powers, and perform such other duties, as may be granted or imposed by ordinance.

ARTICLE XIII.

BOARD OF HEALTH.

SEC. 120. There is hereby established in and for the city a department to be known as the Board of Health, to consist of five members, namely: The Mayor, who shall be ex officio a member and President of the Board, and four citizens, to be appointed, without regard to their political opinions, by the City Council. Three of said citizens shall be physicians in good standing, and graduates of some reputable medical college.

SEC. 121. The appointed members of the Board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Three members shall constitute a quorum for the transaction of business.

A HEALTH OFFICE.

SEC. 122. The Board of Health shall be provided by the City Council with a suitable office, in which it shall hold its official meetings once a month, or when requested by three members of the Board.

SEC. 123. The Board of Health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals, and all public health institutions.

THE HEALTH OFFICER.

SEC. 124. The Board shall appoint and may remove at pleasure a Health Officer, who shall also act as City Physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine at least seven years, and be a citizen and resident for two years in the city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in

accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits, and devote his entire time to the duties of his office. The Board shall also, when authorized by ordinance, have the power to appoint an Assistant Health Officer, and such other officers and assistants as the sanitary condition of the city may require.

SEC. 125. The Health Officer shall be the executive officer of the Board, and he shall see that all ordinances in respect to the public health and rules and regulations of the Board of Health are enforced; and shall receive all complaints of the violation of such ordinances, rules, and regulations, and investigate the same and act thereon. He shall make to the Board an annual report of the affairs of his office, including mortality and other statistics, with such general observations as, in his judgment, might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the city under the charge of the health department, and twice in each year he shall visit every public school in said city; during such visit he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meeting of the Board in the months of January, April, July, and October, he shall report to the Board the result of his examinations. He shall also act as City Physician, whose duties shall be defined by ordinance.

QUARANTINE.

SEC. 126. Whenever it shall be certified to the Board of Health by the Health Officer that any building, or part thereof, is unfit for human habitation, by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said Board may issue an order, and cause the same to be fixed conspicuously on the building or in front thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found, requiring all persons therein to vacate such building for the reason aforesaid, to be stated therein. Such a building, or part thereof, shall, within ten days thereafter, be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it should become satisfied that the danger from the building, or parts thereof, has ceased to exist, may revoke said order, and it shall thenceforth become inoperative.

SEC. 127. Every physician in the city shall report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria, or scarlet fever, and every death from such disease immediately after it shall have occurred. Also, every householder in said city shall forthwith report in writing, or otherwise, to the Health Officer, the name of every inmate of his or her house whom he or she shall have reason to believe is sick of typhus, ship, or yellow fever, leprosy, cholera, or smallpox, and any deaths occurring at his or her house from such diseases.

INFECTIOUS DISEASES.

SEC. 128. The Health Officer shall report to the Superintendent of Public Schools the names and residences of every person sick of typhus, ship, or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, or scarlet fever, he may deem dangerous to the public health; and it shall be the duty of the Superintendent of Public Schools, when so notified of the residence of any person sick of any of the diseases enumerated, to refuse admittance to the public schools to any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the Health Officer that there is no longer any danger from contagion.

SEC. 129. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control to be driven or used, for the conveyance, transportation, or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the Health Officer; also, no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the Health Officer to convey, transport, or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation, or removal of persons uninfected with smallpox, without the written consent of the Health Officer.

SEC. 130. Whenever a case of smallpox, Asiatic cholera, or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer, upon personal inspection, shall, in case of smallpox, Asiatic cholera, or yellow fever, immediately cause to be erected a yellow or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 131. The Board of Health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city, when, in their judgment, it may be necessary. The salary for the said officers shall be provided for in the same manner as for other officers of the Board.

A SMALLPOX HOSPITAL.

SEC. 132. No person shall remove a smallpox patient from any house or place within the limits of the city to any house or place, without the permission of the Health Officer. The said officer, with the approval of the Board of Health, may cause to be removed to the

hospital of the city provided for that purpose any and all persons affected with smallpox, from within such houses as cannot be properly quarantined. The Board of Health, whenever and at such time as by them it shall be deemed necessary, may, by proclamation, require all railroad cars or other public conveyances bound for this city, before the same shall land or stop at any depot or landing or stopping place therein, to stop or touch at any or either of the sites, places, or boundaries so selected and established for quarantine purposes, and leave all such immigrants, travelers, or persons, and all such sick, diseased, or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places, or boundaries shall be deemed proper on account of the existing or general report of cholera, smallpox, or any contagious disease or diseases apprehended to endanger the health of the city.

SEC. 133. The said Board shall make such rules and regulations for the government of the quarantine or health of the city as from time to time it shall deem necessary, and the physicians or health officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper management and conducting thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city about said quarantine stations or places to carry out and obey the same.

SEC. 134. The Board of Health shall cause to be kept a record of all births, deaths, interments, and cremations occurring in said city: such record must be kept in the Health Office, and shall be open for the inspection of any person during office hours. All physicians and midwives in said city shall report to the Health Officer, on or before the fifth of each month, all births occurring in his or her practice during the previous month. Any physician or midwife failing to make such report shall be guilty of a misdemeanor.

SEC. 135. No person shall deposit in any cemetery, cremate, or inter in said city, any human body without first having obtained and filed at the Health Office a certificate signed by a licensed physician or Coroner, setting forth as near as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of the deceased, and obtained from the Health Officer a burial permit. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes such death to be a proper case for investigation by the Coroner, nor shall any human body be removed or disinterred without the permit of the Board of Health or Health Officer or by order of the Coroner.

SEC. 136. Superintendents of cemeteries within the boundaries of the city must return to the Health Officer on each Monday the names of all persons interred, cremated, or deposited within their respective cemeteries for the preceding week.

SEC. 137. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of said city the body or remains of any deceased person, unless a permit for so doing shall have been first obtained from the Health Officer. Nor shall any body or remains disinterred, exhumed, or taken from the grave, vault, or other place of burial or deposit be transported in or through the streets or highways of said city, unless the person or persons transporting such bodies or remains shall first obtain from the Health Officer a permit in writing therefor. When an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of said city, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove. Said permit shall accompany the body or remains.

SEC. 138. The permits in the last section may be granted, in the discretion of the Board of Health, under such general restrictions and conditions as the Board may prescribe. The Health Officer shall prepare a book of blank permits, in proper form and consecutively numbered, containing stubs on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, place of burial, and destination of remains to be transported or removed; and upon granting such permit for the removal of a body beyond the State limits, he shall require to be paid to him the sum of ten dollars therefor, to be paid into the treasury for the use and benefit of the General Fund of said city.

SEC. 139. Any person or persons who shall disinter, exhume, transport, or remove, or cause to be disinterred, exhumed, transported, or removed from a grave, vault, or other receptacle or burial place, the remains of a deceased person, without a permit therefor from such Health Officer, or who shall transport or cause to be transported on or through the streets or highways of said city the body or remains of a deceased person which has been exhumed or disinterred without such permit, shall be guilty of a misdemeanor.

SEC. 140. Nothing in this charter contained shall be taken to apply to the removal of the remains of a deceased person from one place of interment to another place within the same cemetery.

SEC. 141. No person shall receive for transportation or transport upon any boat, vessel, or railroad car, or public or private conveyance, the body of any person who has died within the limits of said city, unless said body is accompanied by a permit for such transportation from the Health Officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 142. Any member of the Board of Health or the Health Officer may administer oaths on business connected with the health department.

ARTICLE XIV.

ESTABLISHMENT AND CHANGE OF GRADE.

SEC. 143. Whenever it shall be deemed expedient to establish or change the grade of any street or part thereof, the Council may, by ordinance, declare its intention to establish or change such grade, in which ordinance must be specified the grade that is proposed to be established or changed. Such ordinance must be published at least ten days in a daily newspaper published in the City of Los Angeles.

SEC. 144. Within ten days from the first publication of such ordinance, the owner or owners of property fronting on such street or part thereof, as the case may be, amounting to two thirds of the frontage on such street or part thereof, may make out and file with the City Clerk a written remonstrance against the proposed grade or alteration thereof, and thereupon the same shall not be further proceeded in or made; but no protest shall be binding upon the Council for any longer period than three months from the presentation thereof, but at the end of said period the Council may recommence the proceeding as in the first instance; *provided, however*, when an ordinance of intention has been published to establish or change a grade on the hill lands, the owners of property on streets crossing the street, the grade of which is proposed to be established or changed, from said streets to the center or middle of the block adjoining, shall have the same rights of protest, and their frontage shall, for that purpose, be considered in determining whether the requisite two thirds have remonstrated.

SEC. 145. If no such remonstrance be made and filed, the Council, within six months from the first publication of such ordinance of intention, may, by ordinance, establish the proposed grade, or alteration thereof.

SEC. 146. The Council may, by ordinance, authorize the owners of property fronting on any street, or part thereof, to grade or otherwise improve such street, or part thereof, or construct and lay sewers therein, without expense to the city. Such ordinance shall state the kind of improvement, giving specifications thereof, or refer to some other ordinance for such specifications, and fix the time for the completion of said grading or other improvement, or the laying of such sewer, and if such work is not completed to the satisfaction of the Street Superintendent and the Council, in the time the said ordinance specified for such completion, such time can only be extended by ordinance.

SEC. 147. The authority mentioned in the preceding section cannot be given after a proposal to do such work has been accepted by the Council, and in giving such authority the Council may impose such terms and conditions as may be necessary to secure the deposit of such excavations upon any part of such street as may require to be filled up.

ARTICLE XV.

OF PROCEEDINGS TO CONDEMN PROPERTY FOR STREETS.

SEC. 148. The term "streets," wherever used in this article, shall be deemed to include alleys and other highways.

SEC. 149. Whenever it shall be necessary for the city to take private property for the purpose of opening, extending, or widening a street, the Council may, by ordinance, direct proceedings to be taken for the condemnation of such property, and to ascertain the compensation to be paid therefor, and shall in such ordinance fix the limits of the district within which property shall be assessed to pay such damages.

SEC. 150. The owners of property fronting upon the street or streets, or portion thereof, declared to be within the district of assessment, may make and file with the City Clerk, within twenty days from the time such ordinance takes effect, a written remonstrance against the proposed improvement, and if such remonstrance be signed by the owners of two thirds of the frontage of the property upon such streets, the proceeding for the taking of such property, and for opening, widening, or extending such street, shall not be further continued; nor shall a new ordinance be passed or further proceedings taken thereunder within three months from the filing of such remonstrance, unless a petition therefor, signed by two thirds of such owners, be filed with the City Clerk.

SEC. 151. If such remonstrance, signed by the owners of two thirds of such frontage, be not filed within the time before mentioned, the City Attorney shall, within ten days, or such other time as the Council may order or direct, commence an action in the Superior Court of the County of Los Angeles, in the name of the City of Los Angeles, for the condemnation of said land; which action shall be considered as and have the effect of an action in rem against the land. The complaint shall set forth or state the effect of the ordinance, and shall describe the land sought to be condemned, and shall state the names of the owners and claimants of the property, and all persons having or claiming liens upon or interest in the same, so far as known to the City Attorney.

SEC. 152. All owners of property to be condemned, and the owners of each separate parcel thereof, or any number less than all, may be joined in one action, and the damages shall be ascertained as to each tract separately, and also the value of each and every separate interest and estate therein.

SEC. 153. Upon the filing of the complaint, or at any time thereafter, the plaintiff may record in the office of the County Recorder of Los Angeles County, notice of the pendency of the action, containing the names of the parties so far as known, the object of the action, and a general description of the property to be affected thereby. The said notice, besides being indexed in the names of the parties named therein, shall also be indexed in the name

of the street for which the property is sought to be condemned. From the time of filing such notice for record, all persons shall be deemed to have notice of the pendency of the action.

SEC. 154. The summons shall be directed to all the defendants named in the action, and, generally, to all persons, known or unknown, who have or claim any interest in or lien upon the property sought to be condemned.

SEC. 155. The Court shall order a copy of the summons to be published in a newspaper, to be designated by it, as often and for such length of time as it may deem to be reasonable, but not less than once a week for two months. Upon such publication, and at the expiration of the time prescribed by the order therefor, the service of the summons upon all parties not personally served is complete.

SEC. 156. The summons shall also be served personally upon all the defendants named in the action, who can be found in the State; but if it appear to the satisfaction of the Court, by affidavits or otherwise, that any of said parties cannot be found within the State, the Court shall make an order dispensing with such personal service upon such defendant or defendants.

SEC. 157. Upon such personal service and the completion of the publication aforesaid, the Court shall acquire full jurisdiction of the property sought to be condemned, and of the proceedings for that purpose; and no irregularity, mistake, or error in the subsequent proceedings shall affect its jurisdiction.

SEC. 158. Upon the requisite proofs being made, the Court shall order a condemnation of the property sought to be condemned, and (unless a jury be impaneled as hereinafter provided) shall appoint three disinterested persons referees, to ascertain the compensation, who shall be residents of the city, and shall be sworn to discharge their duties, faithfully and impartially. If any one or more of such referees fail to qualify, or thereafter be prevented from acting, such vacancy shall be filled by the Court.

SEC. 159. The referees shall view the premises and ascertain and report in writing to the Court as soon as practicable the compensation proper to be paid to the parties interested in each piece of property sought to be taken. Each referee shall sign the report—assenting thereto or dissenting therefrom.

SEC. 160. After hearing the report, the Court may confirm, change, or modify it, or may set it aside and order a new report, and in its discretion appoint new referees.

SEC. 161. The Court shall, upon the demand of any of the defendants, order a jury to determine the compensation due to the defendants respectively, and in such case the jury, after viewing the land and hearing such evidence as may be submitted to it, shall return a special verdict, specifying the amount of compensation to be paid to the parties interested in each piece of property sought to be taken, and the Court may thereupon confirm the verdict or set it aside and order a new jury to be impaneled and a new verdict rendered.

SEC. 162. Upon the report of the referees, or the verdict of a jury, as the case may be, being approved by the Court, an interlocutory judgment shall be entered by the Court, confirming the report or verdict, and adjudging that upon the payment to the parties interested, or into Court, of the amounts severally found due to them, the said property shall be condemned to the use of the city and the public, and dedicated as a street. It shall not be necessary to give the names of the interested parties in the judgment, but they may be described by reference to the report or verdict. The judgment shall specify the names of all streets of which any portions are included within the district of assessment, and a certified copy of the said judgment shall be recorded in the Recorder's office of the County of Los Angeles, in the current Book of Deeds, and be indexed in the list of grantors under the names of the streets specified in the judgment.

SEC. 163. The expenses of the referees must be ascertained and allowed by the Court, and included in the costs of the action.

SEC. 164. An appeal may be taken from the said interlocutory judgment within sixty days from the entry thereof, as in case of an interlocutory judgment in partition.

SEC. 165. At any time subsequent and within one year from the expiration of the time for appeal, or, if an appeal be taken, from the final determination thereof, on proof being made that the respective amounts of damages awarded to the parties in interest have been paid to them, or into Court, a final judgment shall be made and entered by the Court, adjudging that the property described in the complaint and sought to be condemned, be and thereby is condemned for the use of the plaintiff and the public, and dedicated to such use as a public street; and that the plaintiff have, hold, and enjoy the said property for such public use.

SEC. 166. The said judgment shall have the effect of a judgment against a specific thing, as provided in subdivision one, section one thousand nine hundred and eight, of the Code of Civil Procedure, and shall be binding and conclusive upon all persons, whether named as parties to the action or not, having any interest in or lien upon the property sought to be condemned at the commencement of the action, or at any time thereafter, and upon all other persons claiming from such parties or persons or any of them; and the said judgment shall not be invalidated by reason of the death of any party before final judgment, but shall be as conclusive against the heirs, legal representatives, or assigns of such decedent as if it had been entered before his death.

SEC. 167. The action may be dismissed by the plaintiff, without prejudice, upon payment of costs, at any time prior to the payment of damages awarded to the defendants or in Court.

SEC. 168. The Council shall, at any time before entry of the interlocutory judgment, have the power to agree with any person upon the amount to be paid for his interest in the property sought to be condemned, and in case of such agreement, the amount agreed upon shall be entered in the said judgment by the Court.

ARTICLE XVI.

OF THE IMPROVEMENT OF STREETS AND CONSTRUCTION OF SEWERS AND BRIDGES.

SEC. 169. Whenever it shall be deemed expedient by the Council to grade, macadamize, gravel, pave, repave, or otherwise improve any street, or the sidewalk thereof, or both, or to construct sewers or drains, or to construct any bridge or other viaduct, the Council may, by ordinance, declare its intention to make such improvement, and shall in such ordinance specify the street or portion thereof to be improved, the lines of the proposed sewers or drains, or the location of the proposed bridge or viaduct, as the case may be, and the nature of the proposed improvement, and fix and determine the limits of the district to be benefited thereby, and to be assessed for the cost thereof. Such ordinance must be published at least ten days in a daily newspaper published in the City of Los Angeles before it shall take effect.

SEC. 170. Any of the owners of property fronting upon the street to be improved, or any street within the limits of the district of assessment, may file with the City Clerk, within ten days from the time the ordinance takes effect, a written remonstrance against the proposed improvement; and if such remonstrance be signed by the owners of two thirds of the frontage of the property upon such street or streets, further proceedings under said ordinance shall be discontinued; nor shall a new ordinance be passed, or further proceedings taken thereunder, within three months from the filing of said remonstrance, unless a petition therefor, signed by two thirds of such owners, be filed with the City Clerk.

SEC. 171. If such remonstrance, signed by two thirds of such owners, be not filed, the Council may order the proposed improvement to be made, and shall thereafter, without unnecessary delay, cause a notice to be published in such newspaper or newspapers, for such time and in such manner as it shall direct, calling for proposals for the said work, and upon receiving such proposals shall award the contract for the said work as it shall deem best, subject to the provisions of this charter. The Council shall have the right to reject any or all bids, and may readvertise for other proposals; and it may let the work in such sections or parcels as it may deem best.

SEC. 172. Upon the awarding of such contract, an ordinance shall be passed ordering the work to be done in accordance therewith, and directing such contract to be executed by the Mayor or other person on behalf of the city. The said ordinance, in addition to the matters required to be stated in the ordinance of intention, shall contain a statement of the cost of the improvement as determined by the contract, and shall specify by name all streets of which any portion is included within the district of assessment. A copy thereof shall be recorded in the Recorder's Office of the County of Los Angeles, in the current Book of Deeds, and be indexed in the list of grantors under the names of the streets specified in the ordinance as above provided. Thereupon, the work shall be prosecuted to completion.

SEC. 173. In case the grade of a street has been established, and it has been graded in conformity thereto by the city, or by property owners under license from the city, or buildings have been erected, or improvements on property aligning said street been made, conforming to said grade, and thereafter the said grade has been altered, the said street shall not be regraded or improved in conformity to said new grade without compensating the owners for any damage which is occasioned to them thereby. Such damage may be determined by agreement between such owners, or any of them, and the Council, and when so determined shall constitute a portion of the cost of such improvement, and be assessed as such, and be paid to such owners. In case such an agreement cannot be obtained with any one or more of such owners, the amount of damages justly payable to each of such owners shall be determined by an action in the name of the city against them, in which action all or any of such parties may be joined as defendants; *provided*, that no such person shall be entitled to damages unless he shall remonstrate against the proposed improvement, or claim damages therefor within the time fixed in section one hundred and seventy hereof, and in the manner provided for remonstrances.

SEC. 174. The power of the Council to improve streets shall include the power to construct tunnels to connect the different portions of a street, or different streets, but the owners of property on the surface above shall not be assessed for the cost of the tunnel unless directly benefited thereby.

ARTICLE XVII.

OF ASSESSMENTS FOR OPENING AND IMPROVING STREETS AND CONSTRUCTING SEWERS AND BRIDGES.

SEC. 175. Upon the passage of the final ordinance for any street improvement, or the construction of a sewer, or drain, or bridge, or upon the entry of an interlocutory judgment by the Superior Court in any action for the condemnation of land for the opening, extending, or widening of a street, the Council shall proceed to assess upon the property fronting upon streets within the limit of the district of assessment, the sums necessary to

raise the amount required by such ordinance or by such judgment. In making such assessment, all property shall be assessed in proportion to its frontage on such streets; but the Council shall by order spread upon its minutes (to be called the Order of Assessment) before proceeding to make the assessments, provide that the assessment of each lot or portion of land shall be determined solely by the proportion borne by its frontage to the aggregate frontage on all the streets within the district of assessment; or it may fix a different rate per front foot for different streets within said district, and for different portions of each street accordingly as it may deem the property to be assessed to be more or less benefited by the improvement; and in case of the construction of a sewer or drain, bridge, or tunnel, the Council may also direct such proportion of the cost as it may deem just, to be assessed to the city generally, to be paid out of moneys in the treasury of the city not otherwise appropriated. The order for assessment shall specify by name all streets of which any portion is within the district of assessment, and shall be recorded in the office of the Recorder of the County of Los Angeles, in the current Book of Deeds, and shall be indexed in the list of grantors under the names of the streets specified in the order; *provided*, that the assessment for the construction of any sewer shall not exceed one dollar per front foot for the property on either side of the street and if such assessment is not sufficient to pay for the cost of such sewer, then the remainder of such cost shall be paid out of the general or other appropriate fund of the city.

SEC. 176. The assessment shall then be made accordingly, and when made the Council shall, by order, declare the same, and shall direct the City Clerk to enter a statement thereof in the Docket of City Liens, as provided in the next section.

SEC. 177. The Docket of City Liens is a book in which must be entered, in pursuance of this charter, the following matters in relation to assessments in pursuance of this charter. There must be entered therein:

First—The number or letter of the lot assessed, and the number or letter of the block in which it is situated, or any other valid description of the property, and if a separate assessment is made upon a part of a lot, a particular description of the part.

Second—The name of the owner thereof, or that the owner is unknown.

Third—The sum assessed upon each lot, or part thereof, and the date of the entry.

SEC. 178. The Docket of City Liens is a public writing, and imparts notice to all the world of the matters and things therein recorded, and from the date of an entry therein of an assessment upon a lot, or a part thereof, the sum so entered is to be deemed a tax levied and a lien thereon.

SEC. 179. No defect in the name of the owner shall affect the validity of any assessment upon any lot or part thereof; and if the name of any owner be unknown, the lot or part thereof may be assessed to unknown owners, nor shall the inadvertent omission to assess any portion of the said property affect the validity of the other assessments.

SEC. 180. Upon the recording of the final ordinance directing a street improvement, or the construction of a sewer or drain, bridge, or tunnel, as provided in section one hundred and seventy-two, or of the interlocutory judgment for the condemnation of land for the opening, extending, or widening a street, as provided in section one hundred and sixty-two, each lot and portion of land fronting on a street within the district of assessment shall stand charged with its proportionate part of the aggregate cost of the improvement, or the aggregate damages for the land condemned, as the case may be—such proportionate part to be determined by the order for assessment provided in section one hundred and seventy-five; and there shall be a lien upon the same therefor until a valid assessment be made, as provided in sections one hundred and seventy-six and following; and in case any lot or portion of land be omitted from assessment there shall continue to be a lien thereon for the amount properly assessable to it, and said amount may be recovered and the lien therefor enforced by an action in the Superior Court.

SEC. 181. Immediately upon the entry of the assessment in the Docket of City Liens, the City Clerk shall publish a notice in a daily newspaper published in this city, for ten days, that said assessment has been entered in the Docket of City Liens and is payable to the City Treasurer, giving the date of said entry and the date on which the assessment will be delinquent, and describing generally the district of assessment.

SEC. 182. If within twenty days from the first publication of the notice provided for in the preceding section, the sum assessed upon any lot or part thereof is not wholly paid to the City Treasurer, and a duplicate receipt therefor filed with the City Clerk, the same shall be delinquent, and five per cent of the amount of each assessment shall be added thereto by the said Clerk; and thereupon the City Clerk shall issue a warrant directed to the City Tax and License Collector, or other person authorized to collect taxes due to the city, requiring him forthwith to levy upon the lot or part thereof delinquent and to sell the same, or such portion thereof as may be necessary, in the manner provided by law for sales under execution, to satisfy the amount due upon such delinquent assessment, with five per cent thereof added as aforesaid, and the cost of advertising notice of sale, not to exceed fifteen dollars in any case, and to return the proceeds of such sale to the City Treasurer, and the warrant to the said Clerk, with his doings indorsed thereon, together with a receipt of the City Treasurer for the proceeds of such sale as paid to him; and if at such a sale a sufficient sum be not bid to cover the assessment and costs, the city shall become the purchaser.

SEC. 183. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as in this article otherwise specially provided. If from any cause any warrant be not executed within the time allowed by law, the Council may order the issue of an alias warrant, and as many thereof as may be necessary to enforce the collection of such assessment.

SEC. 184. All the provisions of the Code of Civil Procedure with reference to the sales of real property under execution, and with reference to certificates of sale, redemption, and execution of deeds, shall apply to such sales, except that the time of redemption shall be twelve months, and the amount to be paid for redemption shall be as provided in the next section; and that no deed shall be made to the purchaser, except upon proof that written notice of thirty days has been personally served upon the owner, if resident in the county, or, in case of his absence, upon some person in occupation of the land, or, in case the land is unoccupied, by posting the same for that period in a conspicuous place upon the land.

SEC. 185. Redemption of the whole property is made by the payment of the purchase money, and, in addition thereto, ten per cent if paid within three months; twenty per cent if paid within six months; thirty per cent if paid within nine months; and forty per cent if paid within twelve months; and the amount of any tax or incumbrance which the purchaser may have paid upon the property. Redemption of a part is made by the payment of that proportion of the purchase money and penalty which the part redeemed bears in value to the property sold for the assessment.

SEC. 186. In making a deed for real property sold for a delinquent assessment for any improvement, it shall not be necessary to set forth or recite the proceedings prior to the sale, but it shall be sufficient if it substantially appear from such deed that the property was sold by virtue of a warrant of said city, and the date thereof; that it was for a delinquent assessment, and the amount thereof, together with the date of the sale and the amount bid thereat by the purchaser. The style of the warrant for the collection of assessments shall be "In the name of the people of the State of California."

SEC. 187. Instead of proceeding to collect the assessment as next hereinbefore provided, the Council may, at its option, provide by either general or special ordinance that the same be collected and the liens therefor be enforced by action in the Superior Court in the name of the city, or in that of its assignee or assignees, or both jointly, against the owners of the property assessed. The complaint shall contain such matters as may be necessary to show the plaintiff's cause of action, and the proceedings in said action with reference to the contents, issuance, personal service, and publication of the summons, and the effect of the judgment shall be the same as those prescribed in an action for the condemnation of lands, as provided in article fourteen.

SEC. 188. In such action the Court may adjudge the payment of the amounts assessed, and also, in case any portions of the land have escaped assessment, the amount properly assessable thereon, and the enforcement of the lien for such assessments or amounts assessable; or, in case the Court should adjudge the whole assessment from any cause to be invalid, it may adjudge the payment of the amounts properly assessable upon each portion of said land and for the enforcement of the liens therefor.

SEC. 189. The cost of providing cross-walks, and of improving all intersections of streets, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street, to be improved to such center line, including the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in such assessments; the cost of the surveys, maps, and of establishing grades shall also be paid out of the general or other appropriate fund of the city. Whenever any street or part thereof has been graded or otherwise improved at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall require any repairs to be made thereon at any time, the Council shall order such repairs to be made at the expense of the city; any material required in such repairs, except on paved streets, to be of the same nature and kind as previously used. Whenever any street or part thereof has been paved and a sewer constructed therein at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall thereafter require repaving, or it shall be necessary to construct a new sewer therein, the cost of such repaving or of such new sewer shall be at the expense of the city, and shall not be assessed against the owners of property adjoining such street. The Council shall have power, either by general ordinance or by the ordinances provided for in this article, to make such further provisions, not inconsistent with the provisions of this charter, with reference to street improvements, advertisements for bids, terms of contract, manner in which the work shall be done, and payment therefor made, or any other matters connected with such improvement, as it shall deem proper.

ARTICLE XVIII.

WATER AND WATER RIGHTS.

SEC. 190. The City of Los Angeles shall continue in the ownership and enjoyment of all rights to the water of the River Los Angeles heretofore vested in it, its predecessor or predecessors, including the Pueblo of Los Angeles, and is hereby declared to have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of the river at any point or points between the points of termini above named.

SEC. 191. The said city shall not convey, lease, or otherwise dispose of its right in said waters, or any part thereof, or grant or lease to any corporation or person, any right or

privilege to use, manage, or control the said waters, or any part thereof, for any purpose, public or private, otherwise than by license revocable by said city at pleasure, upon notice not to exceed six months; *provided*, that this provision shall not be construed to prevent the ordinary sale and distribution of the said waters to the inhabitants of the city, or persons doing business therein, for irrigating and domestic uses, and for manufacturing purposes other than for water power.

SEC. 192. The said corporation shall have the right and power to construct, maintain, and operate waterworks, dams, reservoirs, ditches, canals, and other means to conduct the said waters from the said river at all points between the said termini, and to supply the city and its inhabitants with water, and to distribute such water, either in canals, pipes, or otherwise, into, upon, and over the lands within the limits of said city. All water mains, by whomsoever hereafter laid in said city, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

SEC. 193. The rates of compensation for use of water to be collected by any person, company, or corporation in said city shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinances shall be passed in the month of February of each year and take effect on the first day of July thereafter. Should the Council fail to pass the necessary ordinances fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

ARTICLE XIX.

ELECTIONS.

SEC. 194. Elections to be held in said city, for the purpose of electing the officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special elections.

SEC. 195. General municipal elections shall be held in said city on the first Monday in December, eighteen hundred and ninety, and on the first Monday in December every two years thereafter, at which shall be elected: A Mayor, a City Clerk, a City Attorney, a City Treasurer, a City Auditor, a City Tax and License Collector, a City Engineer, a Street Superintendent, a City Assessor, and two Police Judges, and by the electors of each ward of the city, one member of the City Council, and one member of the Board of Education; *provided*, that within thirty days after the date of the taking effect of this charter a general municipal election shall be held in the City of Los Angeles for the election by the electors of said city of all the officers provided in this charter to be elected by the people, viz.: A Mayor, a City Clerk, a City Attorney, a City Treasurer, a City Auditor, a City Tax and License Collector, a City Engineer, a Street Superintendent, a City Assessor, and two Police Judges, and by the electors of each of the said wards, respectively, one member of the Council and one member of the Board of Education. Said election shall be held in accordance with the provisions of article ten of an Act of the Legislature of the State of California entitled "An Act to amend an Act entitled an Act to revise an Act entitled an Act to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government, approved April first, eighteen hundred and seventy-six," approved March thirtieth, eighteen hundred and seventy-eight, so far as said article relates to general municipal elections; *provided*, that the division herein made of the city into nine wards and the provision in relation to the division of wards into precincts, in section two hundred hereof, shall be in force at said election.

SEC. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified; except in case of an election to fill a vacancy at a special election, in which case they shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office, and shall serve for the remainder of the term, and until their successors shall have been elected and qualified; *provided*, that the City Assessor elected at a general municipal election shall enter upon the discharge of his duties on the first Monday in January after his election; and, *provided*, that the officers elected at the first general municipal election after the taking effect of this charter, except the City Assessor, shall, after having qualified as herein provided, enter upon the discharge of the duties of the offices to which they have been respectively elected one calendar month after said election, and shall hold office until their successors shall have been elected and qualified.

SEC. 197. Special elections shall be held for the purpose of electing a Mayor, an Assessor, a City Tax and License Collector, a member of the Council, or any other officer herein made elective by the people, in case of a vacancy occurring in any of the said offices, or for other purposes not especially provided for. In the event of any such vacancy, such election shall be ordered and held without delay; *provided*, that the Council shall, in all such cases, except in the event of a vacancy in the Council, have power to fill such vacancy until an election can be held.

SEC. 198. The Council shall have power to submit to the electors of said city at any election any question required to be so submitted by the Constitution, the law, this

charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 199. If any special election be ordered, held, and conducted, it shall be ordered, held, and conducted (except as to the date thereof), and the result thereof made known and declared in the same manner as herein provided for other elections.

SEC. 200. The Council of said city shall by ordinance order the holding of all elections. Such ordinance shall specify the object and time of, and a place or places within the limits of each ward for the holding of such election, and the names of the Inspector and Judges for each ward or precinct of each ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election; *provided*, that the Council may, by said ordinance, divide any of the wards into two or more precincts, specifying the boundary of each precinct, and provide for the holding of an election in each of said precincts. Said ordinance shall be published in some daily newspaper printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

SEC. 201. Returns of all elections shall be made to the Council, who shall, within ten days thereafter, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons elected. The Council shall be the judge of the qualifications of all of the elective officers.

SEC. 202. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time.

SEC. 203. No person shall be eligible to any municipal office under this charter who, at the time of his election or appointment, is not a qualified elector of this city under the laws of the State; and to be eligible to the offices of member of the Council and member of the Board of Education, in addition to the above qualifications, the person elected must also be a resident of the ward from which he is elected, in the case of a member of the Council, for at least two years, and in the case of a member of the Board of Education for at least twelve months next preceding such election; and in case any member of the Council or member of the Board of Education shall remove from the ward which he represents, his office shall immediately become vacant, and the office shall be filled as directed in this charter; *provided*, that in case a redistricting or redivision of the city into wards be made, whereby the lines or boundaries of any wards are changed, the last provision in regard to residence shall not apply to any person elected as member of the Council or member of the Board of Education before such change.

SEC. 204. The qualification of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election; and in addition thereto each elector must have resided in the ward or precinct in which he offers his vote for at least thirty days next prior to such elections.

SEC. 205. It shall be the duty of the Board of Supervisors of the County of Los Angeles, when the great registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general, municipal, and special elections to be held or likely to be held in the City of Los Angeles, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient numbers when so required, to the authorities of the City of Los Angeles.

SEC. 206. The present officers of the city shall hold, continue to hold, and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

ARTICLE XX.

CONTRACTS.

SEC. 207. The City of Los Angeles shall not be, and is not, bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the Council, the draft thereof approved by the Council, and the same ordered to be, and be, signed by the Mayor, or some other person authorized thereto, in behalf of the city; *provided*, that the approval of contracts by the City Attorney, as required by the provisions of article four of this charter, shall be indorsed on the draft thereof before the Council shall have power to approve the same; but the Council, by an ordinance, may authorize any officer, committee, or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

ARTICLE XXI.

CLAIMS AND DEMANDS.

SEC. 208. All claims and demands whatever against the City of Los Angeles, except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 209. Said demands, except demands payable out of the School Fund and Library Funds, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to the Committee on Finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of two thirds of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

SEC. 210. Any such demand approved by the Council in whole or in part shall be delivered to the Mayor, who shall approve the same in whole or in part, or reject the same, and indorse such approval or rejection thereon, with the date thereof; *provided*, that the Mayor shall have no power to approve a demand for a sum larger than the sum in which it is approved by the Council. If the Mayor approve only in part, and for a less amount than approved by the Council, or reject any such demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

SEC. 211. All demands approved by the Mayor for the same amount as approved by the Council shall by him be delivered to the City Auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the City Treasury is authorized by law, and out of what fund. If he approve it, he shall indorse upon it the word "approved," with the name of the fund out of which it is payable, with the date of such approval, and sign his name thereto; *provided*, that such approval by the City Auditor shall be valid only for such amount as shall have been approved by both the Council and the Mayor, unless the objections of the Mayor have been overruled by the Council, as provided in section two hundred and fourteen; and if, in the judgment of the City Auditor, such demand should be allowed only for a less amount than approved by the Council and the Mayor, or he shall reject the said demand, he shall return the same to the Council, with his objections in writing attached thereto.

SEC. 212. All demands payable out of the School Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of six members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said Board indorsed on said demand, signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and shall perform the same duties in reference to demands payable out of the School Fund as is provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Education instead of the Council.

SEC. 213. All demands payable out of the Library Fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Directors of the Los Angeles Public Library, by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes, and the action of said Board indorsed on said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same power, and perform the same duties in reference to demands payable out of the Library Fund, as is provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the said Board of Directors instead of to the Council.

SEC. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote, and taken, recorded, and indorsed in the same manner as required in section two hundred and nine hereof, the said objection shall be thereby overruled. Any demand returned to the Board of Education or the Board of Directors of the Los Angeles Public Library, with the objection of the City Auditor, shall again be considered by such Board, and if such demand be again approved as required in the first instance, such objection of the City Auditor shall be thereby overruled. Any demand, the objection to which of the Mayor has been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor; and any demand, the objection to which of the City Auditor has been overruled by the Council, Board of Education, or Board of Directors of the Los Angeles Public Library, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

SEC. 215. No demand can be approved by any Board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SEC. 216. No payment can be made from the City Treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless

the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon, and approved by every officer and Board of officers, as required by this charter, or the objections of the Mayor or City Auditor, or both, as the case may be, have been overruled, as herein provided, and this must appear on the face of the paper representing the demand, or else it is not audited: *provided*, that the approval or rejection, in whole or in part, of a demand by the Committee on Finance of the Council is advisory only to the Council, and the rejection, by said committee of a demand, in whole or in part, does not of itself prevent its being duly audited.

Sec. 217. No demand upon the treasury shall be allowed by the City Auditor in favor of any person or officer in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of, or disbursements of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns, or his reports in writing, in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the Mayor or the President of the Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the City Auditor may examine any officer receiving a salary from the treasury on oath touching such absence.

Sec. 218. The City Auditor must number and keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what officers or Board it has been previously approved, and it shall be a misdemeanor in office for the City Auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Sec. 219. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an indorsement of the word "registered," dated and signed by the City Treasurer. All registered demands shall be payable in the order of their registration.

Sec. 220. Nothing in this article contained shall be construed as interfering with or preventing the payment by the City Treasurer of bonds of the funded debt of the City of Los Angeles, and the interest coupons thereon, in accordance with the Constitution, laws, and ordinances authorizing the issuance of said bonds.

Sec. 221. All public moneys collected by any officer or employé of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employé, or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

Sec. 222. No suit shall be brought upon any claim for money or damages against the City of Los Angeles, its Board of Education, or the Board of Directors of the Los Angeles Public Library, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be in whole approved and audited as provided herein: *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any Board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

Sec. 223. The indebtedness of said city must not exceed, in the aggregate, the sum of two million dollars; and any debt or liability incurred in violation of this section, except as hereinafter provided, whether by borrowing money, loaning the credit of the city, or otherwise, is null and void, and of no effect: *provided*, that for the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water, or of establishing and constructing a system for the collection and disposition of the sewage of the city, a further indebtedness may be incurred by the issue of bonds for that purpose, under the provision of the Constitution and general laws.

Sec. 224. In any action, suit, or proceedings in any Court concerning an assessment of property, or levy of taxes, authorized by the Act, or the collection of any such, or in

the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter, or thing by this Act committed, or left to the discretion of the Mayor and Council, or the Council, or other authorities of said city, such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 225. Real property when sold for or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold, as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

SEC. 226. In all prosecutions for violation of any city ordinance, rule, or other regulation of said authority, whether in the Court of original jurisdiction, or in any appellate Court, it shall be unnecessary to plead the contents of the same; but the Court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule, or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation may be prima facie proven by the introduction of the original entry thereof on the Journal of the proceedings of the Council, a copy of such entry, certified by the City Clerk to be a full, true, and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 227. All Acts of the Legislature relating to the City of Los Angeles, and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authorities; and all rights vested under any former Act or regulation, when this takes effect, shall not thereby be lost, impaired, or discharged; and all actions and proceedings commenced in any Court wherein the City of Los Angeles is a party, shall be continued under the law existing when said action or proceeding was commenced; *provided*, that whenever in any ordinance or resolution hereby continued in force, there shall be imposed duties on, or powers given to, the Clerk of the Council, such duties shall be performed by and such powers be exercised by the City Clerk.

SEC. 228. This charter shall take effect immediately on its approval by the Legislature, as provided by law.

CERTIFICATE.

We, the undersigned members of the Board of Freeholders of the City of Los Angeles, elected at the special election held on the thirty-first day of May, eighteen hundred and eighty-eight, have prepared and do hereby propose as a charter for said city the foregoing, consisting of twenty-two articles and two hundred and twenty-eight sections.

Done in duplicate at the City of Los Angeles, this twenty-third day of August, Anno Domini eighteen hundred and eighty-eight.

W. H. WORKMAN,
JOHN MANSFIELD,
W. W. ROBINSON,
A. F. MACKAY,
JOSE G. ESTUDILLO,
JERRY BALDWIN,
P. M. SCOTT,
CHARLES E. DAY,
J. H. BOOK,
THOS. B. BROWN,
I. R. DUNKELBERGER,
DR. JOS. KURTZ,
GEO. H. BONEBRAKE,
WALTER S. MOORE, Secretary.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring hereon), That said charter be and the same is hereby approved as a whole for and as the charter of said City of Los Angeles.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. White (by request): Senate Bill No. 268—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Referred to Committee on Judiciary.

ADJOURNMENT.

At two o'clock p. m., upon motion of Mr. Meany, the Senate adjourned until Monday, January twenty-first, at two o'clock p. m.

IN SENATE.

SENATE CHAMBER,

Monday, January 21, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence granted Mr. Fraser for the day.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. A. C. Bane.

Reading of the preceding Journal read and approved.

MESSAGE FROM THE GOVERNOR.

Message from the Governor, relating to the appointments made by the late Governor Washington Bartlett, was received.

MOTION.

Mr. Wilson moved that the rules be suspended and immediate action be taken on the Governor's message.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

Upon roll call the following Senators answered to their names:

Messrs. Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Murphy, Pinder, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Murphy moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

MOTIONS.

Mr. Wilson renewed his motion, that the Senate take immediate action on the Governor's message.

Mr. Yell moved as a substitute that the message be made the special order for to-morrow morning, immediately after the reading of the Journal.

Mr. Wilson accepted the substitute, and Mr. Yell's motion prevailed.

Mr. Yell in the chair.

Mr. Langford reported present.

Mr. White moved the adoption of Senate Resolution No. 2—Approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the twentieth day of October, 1888—which resolution, including such charter, is fully set forth in the Journal containing the proceedings of the Senate had on January 18, 1889.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Whereupon the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms was instructed to produce the absent members before the bar of the Senate.

The Sergeant-at-Arms reported Mr. Langford before the bar of the Senate.

Mr. Meany moved that he be excused.

So ordered.

Mr. White moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The question recurred upon Mr. White's motion, whereupon Senate joint resolution, adopting the proposed charter of the City of Los Angeles, having been fully read, was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were introduced:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 21, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertaking and bonds—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also, Senate Bill No. 83—Entitled an Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 100—Entitled an Act to authorize the Controller of State to issue duplicate Controller's warrants—have had the same under consideration, and respectfully report the same back, with the recommendation that it be referred to the Committee on Claims.

Also, report back Senate Bill No. 45—Entitled an Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury—and respectfully recommend that it do not pass, after having had the same under consideration.

Also, Senate Bill No. 52—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and thirty-seven—have had the same under consideration, and recommend that it do not pass.

Also, Senate Bill No. 56—Entitled an Act to amend "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending sections two thousand nine hundred and fifty-nine and two thousand nine hundred and sixty, and by repealing section two thousand nine hundred and sixty-five—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 98—Entitled an Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of Librarian—have had the same under consideration, and respectfully report the same back without recommendation.

Also, Senate Bill No. 39—Entitled an Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 69—Entitled an Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the female seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Also, Senate Bill No. 74—Entitled an Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the inauguration of criminal prosecutions before a magistrate.

Also, Senate Bill No. 113—Entitled an Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Also, Senate Bill No. 110—Entitled an Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty, and relating to transfers of property without consideration.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

Also, Senate Bill No. 28—Entitled an Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses—have had the same under consideration, and respectfully report the same back, with the recommendation that the following be substituted therefor:

An Act to add a new section to the Penal Code, to be known as section five hundred and fifty-eight, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses. The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who obtains any food or accommodation at an inn or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an inn or boarding house by the use of any false pretense, or who, after obtaining credit or accommodation at any inn or boarding house, absconds and surreptitiously removes his baggage therefrom, without paying for his food or accommodation, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect immediately.

Also, Senate Bill No. 21—Entitled an Act to repeal sections one thousand three hundred and fifty-two and one thousand three hundred and seventy, and to amend section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women.

Also, Senate Bill No. 47—Entitled an Act to add a new section to the Political Code, to be known as section one thousand eight hundred and eighty-nine, relating to the cancellation of school district bonds.

Also, Senate Bill No. 67—Entitled an Act to amend two hundred and sixty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accomplished by false representations and pretenses, or other fraudulent means.

Also, Senate Bill No. 68—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one, thereof, two new sections, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction, accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Also, Senate Bill No. 70—Entitled an Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872.

Also, Senate Bill No. 72—Entitled an Act to amend section eight hundred and two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the time within which informations may be filed and indictments found.

Also, Senate Bill No. 145—Entitled an Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Also, Senate Bill No. 76—Entitled an Act to amend section one thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duty of the Court in probate cases to make provision for the family of the decedent, and to set apart the property of the decedent when the inventory shows the value of the estate not to exceed one thousand five hundred dollars, and to provide for the vesting of the title of the property so set apart.

Also, Senate Bill No. 77—Entitled an Act to amend sections one thousand two hundred and thirty-five and one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court in criminal cases, and relating to the cases where such appeals may be taken.

Also, Senate Bill No. 79—To amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to article six, of chapter two, title eight, of said Code, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trust.

Also, Senate Bill No. 80—Entitled an Act to amend section one thousand one hundred and sixty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to unlawful detainer and the remedies therefor.

Also, Senate Bill No. 112—Entitled an Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Also, Senate Bill No. 111—Entitled an Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the Decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Also, Senate Bill No. 139—Entitled an Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

A. F. JONES, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 21, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 65—Making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 21, 1889.

MR. PRESIDENT: Your Committee on Engrossed Bills begs leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 6, 8, 42, and 44.

That in Senate Bill No. 14, in section two, line three, the bill as printed and engrossed reads "to the health *to* the persons," etc., whereas the same should read "to the health of the persons," etc.

That Senate Bill No. 4, the title as amended and engrossed, does not conform to the body of the bill.

The title of Senate Bill No. 61 does not conform with the body of the bill.

HAMILL, Chairman.

MOTION.

Mr. Bowers moved that Senate Bill No. 4 be re-referred to the committee, with instructions to amend the title to conform with the body of the bill.

So ordered.

Mr. Britt moved that Senate Bills Nos. 11 and 61 be referred to a special committee of one, to consist of Mr. Bowers, for the purpose of making the title of the first bill conform with the body of the bill, and to make necessary corrections in the second.

So ordered.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 21, 1889. }

To the Senate of the State of California :

I have the honor to herewith transmit to your honorable body the report of the State Board of Examiners concerning the transactions of that Board since the last session of the Legislature.

The Board of Examiners is required by the Political Code to report to the Legislature the action taken by the Board upon all deficiency and other claims, for the payment of which there is no appropriation, but for many years this duty has been neglected, and for this reason I am more anxious that your attention be given to this report, which contains a history of all claims which the law requires that your honorable body should be informed on by the Board, also the reason for the action taken in each case.

R. W. WATERMAN, Governor.

MOTION.

Mr. Meany moved that it be referred to the Committee on Claims.
So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the Senate concurrent resolution relative to the drafting of resolution memorializing the death of the late Governor Bartlett, and have appointed Messrs. Ostrom, Dibble, and Mathews members of said committee.

Also, adopted and concurred in Senate concurrent resolution relative to the appointment of a committee from the Assembly to confer with a committee from the Senate to confer with a like committee from Nevada State Legislature, and in accordance therewith appointed as such committee, on behalf of the Assembly, Messrs. Hall, Frank, Williams, and Brickwedel.

ED. E. LEAKE, Clerk.
C. H. CONNELL, Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced and referred to committees as follows:

By Mr. Meany: Senate Bill No. 269—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

Referred to Committee on Counties, County Government, and Township Organization.

Also (by request): Senate Bill No. 270—An Act providing for the payment to Louisa Koehler of damages for the loss of her husband, Herman Koehler, killed by a prisoner in the State Prison at San Quentin, California.

Referred to Committee on Claims.

By Mr. Heacock: Senate Bill No. 271—An Act to amend section four thousand three hundred and seventy-one of the Political Code of the State of California, relative to taxation for municipal purposes.

Referred to Committee on City, City and County, and Town Governments.

Also: Senate Bill No. 272—An Act to prevent the sale of cigarettes and tobacco to minors.

Referred to Committee on Public Morals.

Also: Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary.

MOTIONS.

Mr. Heacock moved that the rules be suspended and the bill be read the first time.

Mr. Heacock withdrew the motion, and asked that the bill be referred to the Committee on Judiciary.

Mr. Greely renewed the motion of Mr. Heacock, that the rules be suspended, and that the bill be read the first time.

So ordered.

FIRST READING OF BILL.

Senate Bill No. 273—Entitled an Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary—was read the first time.

RESOLUTION.

Mr. Heacock offered the following resolution, and moved its adoption:

Resolved, That Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary—presents a case of urgency, as that term is used in section fifteen, of article nine, of the Constitution, and the provision of that section requiring that the bill be read on three several days is hereby dispensed with, and it is ordered that said bill be now read the second time and ordered engrossed and printed.

Mr. Goucher moved for a call of the Senate, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Mr. Heacock moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

The question recurring upon the resolution introduced by Mr. Heacock, the same was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

SECOND READING OF BILL.

Senate Bill No. 273—Entitled an Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary.

Bill read second time, ordered engrossed, printed, and to a third reading.

MOTION.

Mr. Heacock moved that Senate Bill No. 273 be placed at the head of the third reading file, and that it be made the special order for Wednesday next, at two o'clock and fifteen minutes P. M.

So ordered.

INTRODUCTION OF BILLS—(RESUMED).

By Mr. Crandall: Senate Bill No. 274—An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State.

Referred to Committee on Judiciary.

By Mr. White: Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Referred to Committee on Judiciary.

By Mr. Pinder: Senate Bill No. 276—An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relative to dogs and the larceny thereof.

Referred to Committee on Judiciary.

Mr. Goucher asked fifteen minutes' leave of absence.

Granted.

By Mr. Jones: Senate Bill No. 277—An Act to appropriate the sum of two thousand dollars to pay the rent incurred for armory debt and other expenses by the Colusa Guard, Fifth Brigade, National Guard of California.

Referred to Committee on Military Affairs.

Also: Senate Bill No. 278—An Act to appropriate fifty thousand dollars for the erection of a monument commemorative of the services of Rodman M. Price, and to provide for the investment of said sum, and the payment of the interest thereon.

Referred to Committee on Finance.

By Mr. Wilson: Senate Bill No. 279—An Act to amend chapter eleven, title eleven, part three of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections relating to testamentary trusts and trustees.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Referred to Committee on Claims.

By Mr. Pinder (by request): Senate Bill No. 281—An Act for the relief of George Nightingale, Michael Ryan, John H. Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Margaret Coogan, Elizabeth Overend, Bridget F. Houston, Timothy Murphy, James McGeough, James Hartford, Ellen J. McArevey, and Eliza Kelleher, whose houses have been destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along the Port of San Francisco, in the State of California.

Referred to Committee on Claims.

By Mr. Greely: Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, of the City of Marysville, County of Yuba, to the opposite bank of said river, a free bridge.

Referred to Committee on Judiciary.

By Mr. Murphy: Senate Bill No. 283—An Act to authorize the Board of Education of cities and counties in this State to sell school lots not necessary or desirable for school purposes.

Referred to Committee on Education.

Also: Senate Bill No. 284—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Michael Cread.

Referred to Committee on Claims.

By Mr. Mead: Senate Bill No. 285—An Act entitled "An Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885."

Referred to Committee on Claims.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, January 21, 1889.

MR. PRESIDENT: Your special committee, to whom was referred Senate Bill No. 4, for amendments, respectfully report the same back, and recommend that the title be amended to read as follows:

An Act to amend section seven hundred and thirty-seven of the Political Code, fixing the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Luis Obispo, San Diego, Tulare, Fresno, Solano, Amador, and Calaveras, and the bill be reëngrossed.

Also:

Your committee to whom was referred Senate Bill No. 11, beg leave to report and recommend as follows:

Strike out the word "to," following the word "health," in line three of the engrossed bill, and insert in lieu thereof the word "of," and that the bill be reëngrossed.

Also:

Your committee to whom was referred Senate Bill No. 61, reports and recommends as follows:

That the words "and females," in the second line of the title of the engrossed bill, be stricken out, and the bill be reëngrossed.

W. W. BOWERS, Committee.

The report of the special committee was adopted.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Wilson:

Resolved, That the question as to how many times a joint resolution should be read in the Senate be referred to the Judiciary Committee, with instructions to said committee to report their conclusion to-morrow, Tuesday, January 22, 1889.

Lost.

By Mr. Jones:

Resolved, That the Chairman of the Judiciary Committee of the Senate be allowed to draw additional supplies from the Secretary of State for the use of said committee, not to exceed twenty-five dollars.

Adopted.

THIRD READING OF BILLS.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

This bill being at the head of the list, Mr. Jones moved that the following amendment, offered on Friday by Mr. Caminetti, be adopted:

That Senate Bill No. 15 be recommitted to a special committee of one, consisting of Senator Wilson, with instructions to amend said bill, by striking out the word "four" in line eight, page two, and insert in lieu thereof the word "two."

So ordered.

BILL INTRODUCED—(OUT OF ORDER).

By Mr. Jones (by instruction of Judiciary Committee): Senate Bill No. 286—An Act to amend sections one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court with relation to the testimony taken and filed in divorce cases.

Ordered on first reading file.

MOTIONS.

Mr. Wilson moved that Senate Bill No. 15 be reingrossed and placed on third reading file for to-morrow.

So ordered.

Mr. Bowers moved that Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California—be reingrossed and retain its place on third reading file.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged or proved, and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 44—An Act to add a new section to the Code of Civil Procedure, to be known as section seven hundred and twenty-nine, relating to the sale of mortgaged premises by a commissioner.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Murphy, Preston, Roth, Sprague, Welch, White, and Yell—27.
 NOES—None.

Title read and approved.

MOTIONS.

Mr. White moved to suspend the provisions of Rule Thirty-five, so far as it appertains to the changing of the rules of the Senate.

So ordered.

Mr. White moved the following amendment to Rule Six of the Standing Rules of the Senate:

Amend Rule Six by adding thereto the following: Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all Senators present, otherwise directs.

So ordered.

Mr. White moved the adoption of Senate Resolution No. 2—approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the twentieth day of October, 1888, which resolution, including such charter, is fully set forth in the Journal containing the proceedings of the Senate had on January 18, 1889.

Whereupon, Senate Joint Resolution No. 2, adopting the charter of the City of Los Angeles, having been fully read, was adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greeley, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—27.
 NOES—None.

Mr. Dargie moved that Senate Joint Resolution No. 1, ratifying Oakland charter, be passed.

Mr. Fraser raised the point of order that the resolution was not before the Senate.

The Chair decided the point of order well taken.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greeley, Hamill, Hinshaw, McComas, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Williams—27.
 NOES—Messrs. Heacock, Jones, Sprague, Wilson, and Yell—5.

Title read and approved.

Mr. Goucher moved to adjourn.

He withdrew his motion to allow the introduction of the following resolutions out of order:

RESOLUTIONS—(OUT OF ORDER).

Mr. Dargie offered the following resolution, which was adopted:

Resolved, That the Clerk of the Assembly is hereby requested to return Senate Joint Resolution No. 1 to the Senate for further action.

Mr. Jones offered the following resolution, which was referred to Committee on Attachés, Contingent Expenses, and Mileage:

State of California to C. C. Duhain, Dr.:

SACRAMENTO, JANUARY 16, 1889.

To three days' service as Porter of Judiciary Committee rooms, twelve dollars—January 13, 14, and 15, 1889.

Resolved, That the foregoing bill be paid out of the Contingent Fund of the Senate.

By Mr. Williams:

Resolved, That the name of Thomas Mulholland be and is hereby substituted for that of D. Haley, as Day Watchman of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. White:

WHEREAS, The duties devolving upon the officers in the Journal Clerk's office have been so laborious and continuous, the entire day and night of each session, caused by reason of the writing in full in the Senate Journal of the so called Oakland, Los Angeles, Stockton, etc., charters; and whereas, the force now thereupon employed is inadequate; therefore, be it

Resolved, That J. A. Ford be and he is hereby appointed an Assistant Journal Clerk, at the same per diem as Journal Clerk, said per diem to be payable out of the appropriation for the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. White:

Resolved, That the State Printer be instructed to print the usual number of copies of the Journal of the Senate of January 18, 1889, as the same is amended.

Adopted.

By Mr. Meany:

Resolved, That the President of this Senate be and he hereby is authorized, in addition to the committees already appointed, to appoint another and additional committee, whose duty it shall be to investigate and report on the condition of the silk culture interests of the State of California.

Referred to the Committee on Rules.

Mr. Goucher renewed his motion to adjourn, after which he permanently withdrew the motion.

By Mr. Jones:

State of California to E. A. Aull:

Fare to San Francisco and back, to get Codes for the Senate.....	\$5 00
Two days' hotel bill.....	7 00
Total.....	\$12 00

Sacramento, January 17, 1889.

Resolved, That the foregoing bill be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., upon motion of Mr. Briceland, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 22, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Mollitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Dargie:

Resolved, That the resolution adopted yesterday, requesting the Clerk of the Assembly to return Senate Joint Resolution No. 1 to the Senate, be and the same is hereby rescinded.

Adopted.

By Mr. Yell:

WHEREAS, There is a voluminous body of testimony in the contested election case of Sullivan vs. Banks, and it is necessary that each Senator should thoroughly understand the evidence in the case before voting thereon, be it

Resolved, That the State Printer be ordered to print, for the use of the Senate, fifty copies of the same at the earliest practical moment.

Adopted.

Journal of yesterday read and approved.

SPECIAL ORDER.

The following message from the Governor, which was received yesterday and made the special order for immediately after the reading of the Journal, was taken up, and read as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 21, 1889. }

To the Senate of the State of California:

In reading the proceedings of your honorable body in connection with the appointments made by my predecessor, the late Governor Washington Bartlett, and those made by myself, I observe that the consideration of both has been postponed for one week from next Thursday. Without desiring for a moment to interfere with the progress of the business of your honorable body, yet in view of the surrounding circumstances, I cannot refrain from requesting the Senate, and in the most respectful manner, to take up and consider the appointments made by my predecessor; assuring your honorable body that such action would afford me heartfelt pleasure, and thus enable me, without any reference to the disposition of my own appointments, to pay a tribute to the memory of one for whom I entertain the highest regard, respect, and esteem.

R. W. WATERMAN, Governor.

Consideration of Governor's message, relative to appointments made by the late Governor, Washington Bartlett:

EXECUTIVE DEPARTMENT OF THE STATE OF CALIFORNIA, }
SACRAMENTO, January 17, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the twenty-seventh session of the Legislature the following appointments were made by my predecessor, the late Governor, Washington Bartlett, and I respectfully request the consent of the Senate to the same:

April 15, 1887—Albert Miller, Regent of the State University, vice J. W. Winans, deceased.

April 29, 1887—Lazard Leon, Trustee California Hospital for Chronic Insane, vice W. S. Thorne, resigned.

May 4, 1887—J. A. Filcher, State Prison Director, vice W. C. Hendricks, resigned.

W. C. Bartlett, Director of the Deaf, Dumb and Blind Asylum, vice George H. Rogers, resigned.

June 15, 1887—James H. Budd, Brigadier-General, Third Brigade, vice Eugene Lebe, resigned.

July 1, 1887—J. Widney, Trustee California Home for Feeble-Minded Children, vice Lucy E. Higgins, resigned.

R. W. WATERMAN, Governor.

Mr. Goucher moved that the Senate proceed to the consideration of the Governor's message, relative to the appointments made by the late Governor Bartlett.

The Chair announced the consideration of the confirmation of Albert Miller as Regent of the State University at Berkeley, vice J. W. Winans, deceased.

Mr. Wilson moved that the Senate advise and consent to the appointment of Mr. Miller.

Upon the question, "Will the Senate advise and consent to the appointment of Albert Miller as Regent of the State University?"

By direction of the Chair, the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, White, Williams, Wilson, and Yell—33.

NOES—None.

Whereupon the President pro tem. announced the appointment of Albert Miller as Regent of the State University duly confirmed.

Consideration of the confirmation of Lazard Leon as Trustee of California Hospital for Chronic Insane, vice W. S. Thorne, resigned.

Mr. Goucher moved that the Senate advise and consent to the appointment of Mr. Leon.

Upon the question, "Will the Senate advise and consent to the appointment of Lazard Leon as Trustee of California Hospital for Chronic Insane?"

By direction of the President pro tem. the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Consideration of the confirmation of J. A. Filcher, State Prison Director, vice W. C. Hendricks, resigned.

Mr. Heacock moved that the Senate advise and consent to the appointment of Mr. Filcher.

Upon the question, "Will the Senate advise and consent to the appointment of J. A. Filcher as State Prison Director?"

By direction of the President pro tem. the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Whereupon the President pro tem. announced the appointment of J. A. Filcher as State Prison Director duly confirmed.

Consideration of the appointment of W. C. Bartlett Director of the Deaf, Dumb, and Blind Asylum, vice George H. Rodgers, resigned.

Mr. Caminetti moved that the Senate advise and consent to the appointment of Mr. Bartlett.

Upon the question, "Will the Senate advise and consent to the appointment of W. C. Bartlett as Director of the Deaf, Dumb, and Blind Asylum?"

By direction of the President pro tem. the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

NOES—None.

Whereupon the President pro tem. announced the appointment of W. C. Bartlett as Director of the Deaf, Dumb, and Blind Asylum duly confirmed.

Consideration of the confirmation of James H. Budd, Brigadier-General, Third Brigade, vice Eugene Lehe, resigned.

Mr. Goucher moved that the Senate advise and consent to the appointment of Mr. Budd.

Upon the question, "Will the Senate advise and consent to the appointment of James H. Budd as Brigadier-General of the Third Brigade?"

By direction of the President pro tem. the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—None.

Whereupon the President pro tem. announced the appointment of James H. Budd as Brigadier-General of the Third Brigade duly confirmed.

Consideration of the confirmation of J. Widney, Trustee of California Home for Feeble-Minded Children, vice Lucy E. Higgins, resigned.

Mr. Bowers moved that the Senate advise and consent to the appointment of J. Widney.

Upon the question, "Will the Senate advise and consent to the appointment of J. Widney as Trustee of California Home for Feeble-Minded Children?"

By direction of the President pro tem. the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—32.

NOES—None.

PRESENTATION OF PETITION.

Mr. Jones presented the following petition, at the request of Mr. Moffitt, and asked that it be printed in the Journal:

To his Excellency R. W. WATERMAN, Governor of California, and the honorable the Senate and Assembly:

WHEREAS, In order to meet the great and constantly increasing yield of our products, we deem it of the highest importance to the welfare of California that the present outlet for our fruits and wines be increased and enlarged; and, whereas, by emulating the spirit of enterprise shown by such nations as Italy, Spain, Denmark, and the British Colonies, who have shown much wisdom in holding, and preparing to hold, great exhibitions in London of the products and resources of their respective countries, we feel confident that California can likewise be greatly benefited by following their example, be it therefore

Resolved, That the California Dried Fruit Association, representing the great fruit interest of the State, assembled in annual meeting, do hereby unanimously indorse the project of the London Exhibit, and hereby petition his Excellency the Governor, R. W. Waterman, and the honorable the Senate and Assembly, in Legislature assembled, to give the proposed bill, calling for an appropriation of \$250,000, for holding a London Exhibit, their due and careful consideration, sincerely believing that such an amount judiciously expended in the manner proposed will prove of infinite benefit to our State.

Resolved, That the Secretary of the California Dried Fruit Association be hereby instructed to forward a copy of these resolutions to his Excellency the Governor, and to the Senate and Assembly.

A true copy. Attest:

San Francisco, January 18, 1889.

THOS. J. HAYNES, Secretary.

So ordered.

REPORTS OF STANDING COMMITTEES.

Mr. Jones, Chairman of the Committee on Judiciary, asked that Senate Bill No. 79 be referred back to the Committee on Judiciary.

So ordered.

Mr. Murphy submitted the following report:

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That there be paid out of the State General Fund the sum of twenty-five dollars to each member of the Senate, and the Sergeant-at-Arms, for stationery, postage, and contingent expenses of the session.

Have had the same under consideration, and respectfully report the same back and a majority recommend that it be adopted.

Also:

Resolved, That Percy Goldstone be and he is hereby appointed Sergeant-at-Arms to the Committee on Finance, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back and recommend that it be not adopted.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms for ten dollars, paid for rent of a box at the Post Office for the twenty-eighth session.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

Also:

WHEREAS, The Secretary of State having allowed the accredited members of the press—Record-Union, Examiner, Cactus, Call, Los Angeles Herald, Bulletin, Oakland Tribune, Chronicle, German Democrat, Alta, Political Record, and Daily Report—requisitions for stationery, in view of the action of previous Legislatures heretofore; and whereas, the practice is a reasonable and correct one; and whereas, the interest of good government and correct bookkeeping will be furthered; therefore, be it

Resolved, That the Secretary of State be and he is hereby authorized to supply the accredited members of the press with ten dollars' worth of stationery during the session.

Have had the same under consideration, and respectfully report the same back and recommend that it be not adopted.

Also:

Resolved, That the President of the Senate be and he is hereby empowered to engage a competent person to attend to the gas and lighting of the Senate, at a per diem of three dollars, to date from January seventh, and the Controller is directed to draw his warrant in payment of the same, against the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

Also:

WHEREAS, The duties devolving upon the officers in the Journal Clerk's office have been so laborious and continuous, the entire day and night of each session, caused by reason of the writing in full in the Senate Journal of the so called Oakland, Los Angeles, Stockton, etc., charters; and whereas, the force thereupon employed is inadequate; therefore be it

Resolved, That J. A. Ford be and he is hereby appointed an Assistant Journal Clerk, at the same per diem as Journal Clerk, said per diem to be payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

MURPHY, Chairman.

The report was adopted by sections, save and except the last, to which Mr. Heacock offered the following substitute, which was accepted by Mr. White, and adopted:

Resolved, That until the further order of the Senate, the Assistant Enrolling Clerk of the Senate assist the Journal Clerk in writing up the Journal, and that the work of writing up the Journal, and the time required to do the same, be equally apportioned between the Journal Clerk and his assistants, including the Assistant Enrolling Clerk, so that the work of writing up the Journal shall be continuous day and night (Sundays alone excepted)—so long as such continuous work may be necessary in order to finish daily, as far as possible, the writing up of the Journal.

Mr. Moffitt submitted the following report, which was adopted:

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Concurrent Resolution No. 7—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

F. J. MOFFITT, Chairman.

Also the following report, which was adopted:

ON FINANCE.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 190, respectfully report that they have had the same under consideration and recommend that the same do pass.

F. J. MOFFITT, Chairman.

Mr. Spellacy submitted the following report, which was adopted:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bills Nos. 136 and 137—have had the same under consideration, and respectfully report the same back and recommend that they do pass.

J. R. SPELLACY, Chairman.

Mr. Briceland submitted the following report, which, upon motion of Mr. Mead, was referred to the Committee on Finance:

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 95—have had the same under consideration, and respectfully report the same back and recommend that it do pass, with amendment of ten thousand (\$10,000) dollars instead of twenty thousand dollars in the original bill.

J. M. BRICELAND, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees as follows:

By Mr. Goucher: Senate Bill No. 287—An Act to provide for fitting up in the basement of the Capitol a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Referred to Committee on Public Buildings other than Prison Buildings.

Mr. Goucher asked that the bill be reported back to-morrow.

So ordered.

By Mr. Meany: Senate Bill No. 288—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors in less quantities than five gallons.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Caminetti: Senate Bill No. 289—An Act to provide funds for the erection and maintenance of State waterworks.

Referred to Committee on Irrigation and Water Rights.

Also: Senate Bill No. 290—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses.

Referred to Committee on Irrigation and Water Rights.

Also: Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Referred to Committee on Irrigation and Water Rights.

By Mr. McComas: Senate Bill No. 292—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Sprague: Senate Bill No. 293—An Act to amend section three hundred and three of the Civil Code, relating to the by-laws of corporations.

Referred to Committee on Judiciary.

By Mr. Fraser: Senate Bill No. 294—An Act to amend an Act entitled "An Act to amend sections two, four, six, seven, and eight of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887, by amending and revising section one of said Act.

Referred to Committee on Agriculture.

By Mr. Langford: Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge in certain cases of insane persons confined in the State Asylums for the Insane, and for the control and management of a resulting Contingent Fund.

Referred to Committee on Hospitals.

By Mr. De Long: Senate Bill No. 296—An Act for the relief of I. G. Wickersham for moneys expended in the matter of the extradition of Ang Tai Duck.

Referred to Committee on Claims.

RECESS.

The hour of recess having arrived, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

President pro tem. White in the chair.

Upon reassembling, the roll was called and the following Senators answered to their names:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonaldi, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

REPORT OF STANDING COMMITTEE.

By Mr. Hamill, as follows:

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly reengrossed: Senate Bills Nos. 4, 11, 15, and 61, and also find correctly engrossed Senate Bill No. 273.

HAMILL, Chairman.

INTRODUCTION OF BILLS.

By Mr. Heacock: Senate Bill No. 297—An Act to restrict gaming.
Referred to Committee on Public Morals.

By Mr. Goucher (by request): Senate Bill No. 298—An Act to provide for the payment of the claim of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for the purpose of such payment.

Referred to Committee on Claims.

By Mr. Jones (by request): Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 300—An Act to appropriate money for the payment of the salary of an additional clerk in the office of the Register State Land Office, and the salary of a Recording Clerk in the office of the Secretary of State, for the fortieth fiscal year.

Referred to Committee on Judiciary.

By Mr. White: Senate Bill No. 301—An Act to amend sections three and four of an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1884, relating to the care, custody, and guardianship of such children.

Referred to Committee on Judiciary.

Also: Senate Bill No. 302—An Act to amend section one thousand three hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to devises for charitable uses.

Referred to Committee on Judiciary.

Also: Senate Bill No. 303—An Act to amend sections one thousand one hundred and eighty-six and one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, regarding conveyances by married women and the acknowledgment thereof.

Referred to Committee on Judiciary.

Also: Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Referred to Committee on Judiciary.

Also: Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock, and the increase of the bonded indebtedness of corporations.

Referred to Committee on Judiciary.

Also: Senate Bill No. 306—An Act entitled an Act to amend section three hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of a corporation.

Referred to Committee on Judiciary.

REPORT—(OUT OF ORDER).

By Mr. McDonald:

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 218—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCDONALD, Chairman.

THIRD READING OF BILLS.

Mr. Jones asked leave to introduce two bills out of order.
Granted.

BILLS INTRODUCED—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Jones: Senate Bill No. 307—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Committee on Judiciary.

Also: Senate Bill No. 308—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Committee on Judiciary.

THIRD READING OF BILLS.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Speliacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read, and amended as follows: By adding the words "and to appropriate money therefor" after the word "Secretary."

Amendment accepted, and title approved as amended.

Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Bill read the third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Title read, and amended as follows: After the word "fixing" add the words "and providing for."

Amendment accepted, and title approved as amended.

RESOLUTIONS—(OUT OF ORDER).

Mr. Boggs offered the following resolution out of order:

SACRAMENTO, January 22, 1889.

To the honorable President and Senators:

The London Exhibition Convention, now assembled, beg leave to invite yourself and the Senators to attend a meeting of the Convention to be held in the Assembly Chamber, at eight o'clock this evening.

Respectfully,

EUGENE GERMAIN, President.
 J. M. DAVIES, Secretary.

Mr. Boggs moved that the invitation be accepted.

So ordered.

Mr. Yell offered the following resolution, out of order, which was adopted:

Resolved by the Senate, the Assembly concurring. That the Senate and Assembly will meet in Joint Convention on Wednesday, January 23, 1889, at three o'clock P. M., in the Assembly Chamber, for the purpose of electing five Trustees of the State Library, for the term commencing February 28, 1890.

Mr. Dray offered the following resolution:

Resolved. That the sum of nine dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to H. S. Crocker & Co., for one Journal for the twenty-seventh session, by order of the Secretary of State, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of H. S. Crocker & Co. for said sum.

JANUARY 21, 1889.

Secretary of State to H. S. Crocker & Co.:

March 3, 1887, one six-quire record (Senate)..... \$9 00

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

THIRD READING OF BILLS—(CONTINUED).

Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Title read and approved.

Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors and females.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—33.
 NOES—Messrs. Campbell, Mead, and Yell—3.

Title read and approved.

Upon the passage of Senate Bill No. 61 Mr. Campbell explained his vote.

Mr. Yell explained his vote as follows: That many boys under the age specified in the Act were compelled to work in such places, therefore he voted "no."

APPOINTMENT OF SPECIAL COMMITTEE.

The President pro tem. announced that pursuant to recommendation of the Governor he had appointed as a Special Committee on Commissioners, Messrs. Dixon, Caminetti, and Flint.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Mr. Murphy offered the following amendment:

Amend section three, line five, of printed bill, by adding after the word "assistants" the words "not exceeding three."

Also:

Amend section two, lines seven and eight of printed bill, by striking out all after the word "provisions" in line seven of said section, and insert in lieu thereof the words "shall be deemed guilty of a misdemeanor and punished by a fine of five hundred dollars, or imprisonment for six months."

Mr. Boggs moved that the bill be recommitted to the Committee on Labor and Capital, and that it retain its place on second reading file.

So ordered.

Senate Bill No. 36—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

ASSEMBLY MESSAGE.

Mr. Heacock moved that the Senate take up Assembly messages.

So ordered.

Whereupon the following message was read:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Also: Adopted Senate Concurrent Resolution No. 3—Relative to the National Grange Association.

ED. E. LEAKE, Clerk.
By H. HART, Assistant Clerk.

SUBSTITUTION OF BILL.

Mr. Heacock moved that the bill now reported from the Assembly be substituted for the bill introduced by him.

So ordered.

Mr. De Long moved that the bill be referred to the Committee on Agriculture.

Mr. Caminetti moved to strike out Committee on Agriculture, and substitute Special Committee on Commissions, appointed at the suggestion of the Governor.

Mr. Caminetti withdrew the amendment.

The question recurring upon the motion of Mr. De Long, the same was carried.

Senate Bill No. 36 was passed upon the file.

RESOLUTIONS.

Mr. Caminetti offered the following resolution, which was adopted:

Resolved, That the Committee on Attachés, Contingent Expenses, and Mileage be and is hereby directed to report to the Senate a full list of all officers and attachés, whether statutory or not, the per diem of each officer and attaché, and the duties performed by such officers and employes, with the view of ascertaining what reduction in the number of officers and employes of the Senate can be reasonably made. Said Committee on Attachés, etc., to report to the Senate at an early date.

Mr. Caminetti also offered the following resolution, which was adopted:

WHEREAS, the Superintendent of Public Instruction has received a telegram, of which the following is a copy:

"INDIANAPOLIS, IND., January 21, 1889.

"Hon. Iru G. Hoitt, Superintendent of Public Instruction, Sacramento:

"Send to me by express, together with the bill for same, two complete sets of school text-books published by the State of California, latest edition.

"THOMAS J. NEWKIRK,

"Principal Clerk of the Indiana House of Representatives."

And whereas, said Superintendent has no authority to comply with this request; therefore, be it

Resolved by the Senate, the Assembly concurring, That the Superintendent of Public Instruction is hereby instructed to draw his requisition upon the Superintendent of State Printing for two copies of each book of the State Series now published, and immediately forward the same by express to the Indiana House of Representatives at Indianapolis, with the compliments of the Legislature of California.

Mr. Murphy offered the following resolution, which was adopted:

Resolved, That George Waters be and he is hereby appointed Rear Porter, at a per diem of four dollars, to date from the tenth day of January, 1889, payable out of the Contingent Fund of the Senate.

Mr. Greely offered the following Senate concurrent resolution, which was referred to the Committee on Mines, Drainage, and Mining Debris:

Senate Concurrent Resolution No. 6—Relative to requesting Congress to make an appropriation of one million dollars for the improvement of navigation of the Sacramento and Feather Rivers, in California, from the head of navigation on the Sacramento River at St. John's, and from the head of navigation on Feather River at Marysville, said Feather River being a tributary of Sacramento River, to San Francisco Bay.

WHEREAS, During the past thirty-eight years the tributaries to the Sacramento and Feather Rivers have been, by the permission of the United States, used for mining to such an extent that said rivers, at one time the most magnificent in all California, and suitable for navigation for a distance of two hundred miles, have been practically ruined; and whereas, the great output of gold during said time, amounting to more than one billion dollars, though of immense benefit to the Government and people of the United States, has been, in addition to the natural erosion, one of the causes of the damage complained of; and whereas, the commercial value of said rivers for navigation is almost inestimable, not only because of the cities and towns situated along the banks, but also because the lands on both sides for nearly the entire distance are of the finest alluvium, with a productive capacity that cannot be excelled; and whereas, the use of said rivers in the manner complained of, and their consequent filling therefrom, during the period referred to, have in a great measure prevented the reclamation of hundreds of thousands of acres of low land, known as tule lands, lying further back from the banks of said rivers than the alluvial lands, which, notwithstanding the said injury, can be reclaimed; and whereas, hydraulic mining, which has been largely instrumental in causing the destruction of said rivers for navigation, has ceased to exist; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to procure an appropriation from Congress, in the sum of one million dollars, to be expended in the restoration of the navigation of the said Sacramento and Feather Rivers, from the heads of navigation, respectively, to the Bay of San Francisco; and be it further

Resolved, That his Excellency the Governor of the State of California be and he is hereby requested to forward a copy of this preamble and resolutions to each of the Senators and Representatives in Congress of this State, duly attested by him.

REPORT OF COMMITTEE—(OUT OF ORDER).

Mr. Yell, Chairman of the Committee on Military Affairs, submitted the following report:

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your committee on Military Affairs, to whom was referred Senate Bill No. 191, beg leave to report that they have had the same under consideration, and report the same back with the recommendation that it do pass as amended by the committee—a copy of the bill with the amendments being herewith transmitted with this report.

Your committee also beg leave to report a new bill, and recommend that it do pass.

A. YELL, Chairman.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Yell, Chairman of the Committee on Military Affairs: Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

Ordered placed on file.

REPORT OF COMMITTEE—(OUT OF ORDER).

Mr. Hamill, Chairman of the Committee on Rules, submitted the following report, which was passed temporarily, on the motion of Mr. Goucher:

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Rules begs leave to report that it has had the following resolution, introduced by Mr. Meany, under consideration:

Resolved, That the President of this Senate be and he hereby is authorized, in addition to the committees already appointed, to appoint another and additional committee, whose duty it shall be to investigate and report on the condition of the silk culture interests of the State of California.

And does recommend that said resolution be adopted, and that a Committee on Sericulture, consisting of three members, be appointed in compliance with the above resolution.

HAMILL, Chairman.

RESOLUTION.

Mr. Preston offered the following resolution, which was adopted:

Resolved, That the Chairman of each standing committee of the Senate be and that he is hereby directed to furnish the Committee on Attachés, Contingent Expenses, and Mileage with the name and compensation of each and all persons in the employ of his respective committee.

MOTION.

Mr. Heacock moved to reconsider the resolution, adopted this morning, in relation to having the Assistant Enrolling Clerk assist the Journal Clerk.

Lost.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Moffitt: Senate Bill No. 310—An Act to provide for the payment of funded indebtedness of the State of California, and to contract a funded debt for that purpose.

Referred to Committee on Finance.

Also: Senate Bill No. 311—An Act making an appropriation to carry into effect the provisions of an Act entitled "An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose."

Referred to Committee on Finance.

GENERAL FILE—FIRST READING OF BILLS.

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Also, Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

Also, Senate Bill No. 17—An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as section (615) six hundred and fifteen, relative to cemetery corporations.

Also, Senate Bill No. 49—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Also, Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill.

Also, Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

Also, Senate Bill No. 106—An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards.

Were severally read the first time.

Senate Concurrent Resolution No. 2—Relating to the matter of securing an appropriation for the improvement of Eel River.

Passed on file

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read first time.

Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Read first time.

Senate Bill No. 45—An Act to amend section six hundred and thirty-one of the Code of Civil Procedure, relating to waiver of trial by jury.

Also, Senate Bill No. 52—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section five hundred and thirty-seven.

Also, Senate Bill No. 56—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending sections two thousand nine hundred and fifty-nine and two thousand nine hundred and sixty, and by repealing section two thousand nine hundred and sixty-five.

Were refused a first reading.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Also, Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses.

Also, Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 69—An Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the female seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Also, Senate Bill No. 74—An Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the inauguration of criminal prosecutions before a magistrate.

Also, Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Also, Senate Bill No. 110—An Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty and relating to transfers of property without consideration.

Also, Senate Bill No. 21—An Act to repeal sections one thousand three hundred and fifty-two and one thousand three hundred and seventy, and to amend section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women.

Also, Senate Bill No. 47—An Act to add a new section to the Political Code, to be known as section one thousand eight hundred and eighty-nine, relating to the cancellation of school district bonds.

Also, Senate Bill No. 67—An Act to amend section two hundred and sixty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accomplished by false representations and pretenses, or other fraudulent means.

Also, Senate Bill No. 68—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one thereof, two new sections, numbered respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Also, Senate Bill No. 70—An Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872.

Also, Senate Bill No. 72—An Act to amend section eight hundred and two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the time within which informations may be filed and indictments found.

Also, Senate Bill No. 145—An Act to amend an Act to establish a Civil Code, approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Also, Senate Bill No. 76—An Act to amend section one thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duty of the Court in probate cases to make provision for the family of the decedent, and to set apart the property of the decedent, when the inventory shows the value of the estate not to exceed one thousand five hundred dollars, and to provide for the vesting of the title of the property so set apart.

Also, Senate Bill No. 77—An Act to amend sections one thousand two hundred and thirty-five and one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court in criminal cases, and relating to the cases where such appeals may be taken.

Were severally read the first time.

Senate Bill No. 79—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to article six, of chapter two, title eight, of said Code, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trust.

Referred to Committee on Judiciary.

Senate Bill No. 80—An Act to amend section one thousand one hundred and sixty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to unlawful detainer, and the remedies therefor.

Also, Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class

Also, Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Also, Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Also, Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

Were severally read the first time.

Senate Bill No. 286—An Act to amend section one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court, with relation to the testimony taken and filed in divorce cases.

Passed on file.

MOTION.

Mr. Meany moved to take up the report of the Committee on Rules, and that the same be adopted.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly and ordered upon the Journal for the day:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate Resolution—Relative to holding of a joint convention of the Senate and Assembly on Wednesday, January twenty-third, at three o'clock P. M., in the Assembly Chamber, for the purpose of electing five Trustees of the State Library for the term commencing February 28, 1890.

ED. E. LEAKE, Clerk.

By H. HART, Assistant Clerk.

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., upon motion of Mr. Mead, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Wednesday, January 23, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. A. C. Bane.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer of the Railroad Commission for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 90—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also, Senate Bill No. 91—Amended said bill by striking out section two of the printed bill.

Section four of printed bill, section three as amended: Any person upon whom a duty is imposed by this chapter, who fails, neglects, or refuses to perform the same, as herein provided, is liable to a penalty of fifty dollars. The Secretary of the State Board of Health and County Recorder must inform the District Attorney of any neglect of duty as prescribed in this chapter.

Section 4. This Act takes effect thirty days after its passage.

Have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended by committee.

Also, Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

Amended section three, line two, of the printed bill, to read as follows: The said Trustees or Board must within sixty days after the passage of this Act, and every year thereafter, ascertain the number of children or persons in their respective school districts or subdivision of the city school government, being of an age suitable to attend common schools, who have not been already vaccinated, and make a list of the names of all such children or persons.

It also shall be the duty of said Trustees or Board to provide for the vaccination of all such children or persons in their respective school districts, a good and reliable vaccine virus wherewith to vaccinate such children or persons who have not been vaccinated and when so vaccinated to give a certificate of vaccination, which certificate shall be evidence thereof for the purpose of complying with section one.

Section six of original bill stricken out and the following in lieu thereof: It shall be the duty of the State Board of Health to provide good and reliable vaccine virus to the Trustees of the several school districts in this State, or other Boards governing common schools. The expense thereof shall be paid by the several school districts, as provided in section four hereof.

Have had the same under consideration, and respectfully report the same back and recommend that it do pass with the amendments made by the committee.

Also, Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

J. M. BRICELAND, Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 217—Entitled "An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor"—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 140—Entitled an Act to amend "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also, Senate Bill No. 40—Entitled an Act to amend section six hundred and thirty-five of the Penal Code, relating to violations of the law for the preservation of fish—have had the same under consideration, and respectfully report the same back without recommendation, as it contains the same provisions as Senate Bill No. 140, recommended to pass.

T. J. PINDER, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 287—Entitled an Act to provide for fitting up in the basement of the Capitol Building a moisture-proof, fire-proof, and burglar proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

W. H. WILLIAMS, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

JAS. E. BRITT, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Concurrent Resolution No. 1—Relating to the opening for settlement of Klamath River Indian Reservation—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BRITT, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Constitutional Amendment No. 1—Relative to revenue and taxation—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

Also, Constitutional Amendment No. 2—Relative to poll taxes—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and respectfully request that the substitute do pass.

JOHN BOGGS, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 34—have had the same under consideration, and respectfully report the same back without amendment, and recommend that it do pass.

M. H. MEAD, Chairman.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 87—have had the same under consideration, and report the same back, with a recommendation that it do pass.

A. YELL, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 141—Entitled an Act to appropriate money for the completion and furnishing the building of the Northern Branch State Normal School at Chico.

Also, Senate Bill No. 168—Entitled an Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

Also, Senate Bill No. 219—Entitled an Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, range three east, Mount Diablo meridian—have had the same under consideration, and respectfully report the same back and recommend that the land described therein be granted for the purpose set forth in said Act, but suggest that said Act be referred to the Committee on Judiciary to report on its legality.

CAMINETTI, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 19—An Act making appropriation of money to supply the deficiency in the appropriation for the support of the State Printing Office and the purchase of machinery, type, etc., for the fortieth fiscal year.

ED. E. LEAKE, Clerk.

By H. HART, Assistant Clerk.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Assembly Bill No. 10 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times and placed upon its passage.

Adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 10—An Act making appropriation of money to supply the deficiency in the appropriation for the support of the State Printing Office and the purchase of machinery, type, etc., for the fortieth fiscal year.

Read the first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

A message from the Assembly was received, and considered as follows:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed, as amended, Senate Bill No. 1—An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett.

Senate Bill No. 1 was amended in Assembly as follows: Amend in section one, in lines one and two of printed bill, by striking out the words and figures "three thousand three hundred and sixty (\$3,360) dollars and thirty-two (32) cents," and substitute the words and figures "three thousand nine hundred and forty-nine (\$3,949) dollars and thirty-two (32) cents" in lieu thereof.

ED. E. LEAKE, Clerk.

By H. HART, Assistant Clerk.

Mr. Murphy moved that the Senate concur in the amendment.
The roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, DeLong, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Jones, McComas, McDonald, Moffitt, Murphy, Preston, Spellaey, Sprague, Welch, White, Williams, Wilson, and Yell—28.

NOES—Messrs. Campbell, Conklin, Crandall, Goucher, Greely, Hinshaw, McGowan, Mead, Meany, and Roth—10.

NOTICE OF RECONSIDERATION.

Mr. Caminetti changed his vote from "no" to "aye," and gave notice that he would, on to-morrow, move a reconsideration of the vote whereby the Senate concurred in the Assembly amendment to Senate Bill No. 1.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Jones (by request): Senate Bill No. 312—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 313—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Committee on Judiciary.

By Mr. Wilson (by request): Senate Bill No. 314—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 315—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Referred to Committee on Fish and Game.

By Mr. Conklin: Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any District Agricultural Society, can be drawn from the State Treasury.

Referred to Committee on Agriculture.

By Mr. Williams: Senate Bill No. 317—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending section two thousand two hundred and nine thereof, in relation to damages awarded when telegraph messages are refused or postponed.

Referred to Committee on Corporations.

By Mr. Boggs: Senate Bill No. 318—An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation.

Referred to Committee on Agriculture.

By Mr. De Long: Senate Bill No. 319—An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preserva-

tion of fish in the navigable waters of the State," approved February 28, 1887.

Referred to Committee on Finance.

By Mr. Preston: Senate Bill No. 320—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and approved March 17, 1887.

Referred to Committee on Counties, County Government, and Township Organization.

Also: Senate Bill No. 321—An Act to amend section four hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer.

Referred to Committee on Banks and Banking.

By Mr. Spellacy (by request): Senate Bill No. 322—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, and two thousand four hundred and sixty-six of the Political Code, relating to pilots and pilot regulations.

Referred to Committee on Commerce and Navigation.

Also (by request): Senate Bill No. 323—An Act to amend section three hundred and seventy-nine of the Penal Code, relating to contracts between pilots and steam tug corporations.

Referred to Committee on Commerce and Navigation.

By Mr. Byrnes: Senate Bill No. 324—An Act to amend section seven of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and amended by Act approved March 9, 1887, so as to create a new district.

Referred to Committee on Agriculture.

By Mr. Fraser: Senate Bill No. 325—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

Referred to Committee on Claims.

By Mr. McGowan: Senate Bill No. 326—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the duties and powers of Boards of Supervisors.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Moffitt: Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company, for merchandise lost in the Bay of San Francisco by falling through a rotten wharf under the control of the Board of State Harbor Commissioners.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 328—An Act to prohibit runners, cappers, and solicitors for attorneys-at-law in and about Police Courts and prisons in incorporated cities, and cities and counties.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 329—An Act to enlarge the State Library by purchasing and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase.

Referred to Committee on State Library.

SECOND READING OF BILLS.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883. Committee amendments to Senate Bill No. 63, as follows :

Amend section three, line five, of printed bill, by adding after the word "assistants" the words "not exceeding three."

Adopted.

Also :

Amended section two, lines seven and eight of printed bill, by striking out all after the word "provisions" in line seven of said section, and insert in lieu thereof the words "shall be deemed guilty of a misdemeanor and punished by a fine of five hundred dollars, or imprisonment for six months."

Adopted.

Mr. Crandall offered the following amendment to section one of Senate Bill No. 63 :

Amend section one, by striking out all of line sixteen after the word "agent" down to the word "thereof," in line twenty-one.

Adopted.

Mr. Campbell moved to amend section four, in line three of printed bill, by striking out the words "three thousand" and inserting the words "twenty-four hundred dollars" in lieu thereof.

MOTION.

Mr. Murphy moved to extend the hour of recess until the subject-matter before the Senate is disposed of.

Lost.

RECESS.

Thereupon, at twelve o'clock and thirty minutes P. M., the Senate took a recess until two o'clock P. M.

REASSEMBLED.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Leave of absence granted Senator Langford for the day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to Trustees for charitable purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town—have had the same under consideration, and respectfully report the same back without recommendation.

Also, Senate Bill No. 143—An Act directing the transcription of all matter of record in the offices of the County Clerk and County Recorder of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to the County of San Benito.

Also, Senate Bill No. 78—An Act to provide law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State and to the bar, and to the people of the respective counties.

Also, Senate Bill 172—An Act to amend section seven of the Civil Code, relating to holidays.

Also, Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Also, Senate Bill No. 174—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place on trial.

Recommend that they do not pass.

Also, Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Recommend that it do not pass.

Also, Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to holidays.

Recommend that it do pass as amended.

Also, Senate Bill No. 105—An Act relating to the trial of actions for divorce.

Also, Senate Bill No. 245—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Return a substitute for each of said bills and recommend that the substitutes do pass. Also, report a bill entitled an Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876, drafted by the committee and recommend that it do pass.

A. F. JONES, Chairman.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 177—An Act to amend section two thousand six hundred and sixty-five and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROTH, Chairman.

CONSIDERATION OF SENATE BILL No. 63.

The question reverting to the consideration of the amendment of Mr. Campbell to section four of Senate Bill No. 63.

Pending consideration of which, Mr. Heacock moved that the special order, Senate Bill No. 273, set for this hour, be passed until the subject-matter before the Senate be disposed of.

So ordered.

Upon Mr. Campbell's amendment the roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Bowers, Campbell, Conklin, Crandall, Dargie, Flint, Hinshaw, and McComas—8.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—31.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, was read second time, ordered engrossed, and to a third reading.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Committee on Judiciary: Senate Bill No. 330—An Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876.

Ordered on file.

By Mr. De Long: Senate Bill No. 331—An Act to amend section thirty-five hundred and seventy-one of the Political Code, relating to repayments of money paid to the State for State lands.

Referred to Committee on Judiciary.

SPECIAL ORDER.

Mr. Heacock called for the special order, the consideration of Senate Bill No. 283—An Act providing for an additional Superior Judge for the County of San Luis Obispo, providing for his appointment and salary.

Ordered reprinted, and that it be placed at the head of the third reading file.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Pinder: Senate Bill No. 332—An Act to appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the so called Scott Exclusion Act.

Referred to Committee on Finance.

MOTION.

Mr. Goucher moved that the Finance Committee be instructed to report the bill back to-morrow.

So ordered.

LEAVES OF ABSENCE.

Mr. Dargie was granted one day's leave of absence.

Mr. Williams asked leave of absence for the Committee on Public Buildings other than Prison Buildings from Friday until Tuesday next. Granted.

Mr. Goucher moved that leave of absence be granted for the Committee on Prison Buildings to visit San Quentin and other points on Friday.

Upon which the roll was called for by Messrs. Hamill, Moffitt, and Goucher, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—31.

NOES—Messrs. Greely and Heacock—2.

RECESS.

Upon motion, the Senate took a recess preparatory to going into joint convention.

IN JOINT CONVENTION.

WEDNESDAY, January 23, 1889.

At the hour of three o'clock p. m., pursuant to joint resolution previously adopted by both Houses, and as provided for in section two thousand two hundred and ninety-two of the Political Code, and to elect five Trustees for the State Library for the term commencing February 28, 1890, both Houses assembled in joint convention, the President pro tem. of the Senate acting in the absence of the Lieutenant Governor, and the Speaker of the Assembly presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Chief Clerk of the Assembly called the roll of the Assemblymen, and the following members responded:

MESSRS. Adams, Alexander, Atherton, Bangs, Berry, Black, Brannan, Brickwedel, Brierly, Brown, Burnett, Burwell, Campbell, Chapman, Coleman, Coombs, Crawford, Dameron, Davis, Dibble, Dinan, Dobbin, Edwards, Ewing, Fassett, Frank, Gardner, Hall, Hart, Hersey, Holmes, Hook, Hyde, James, Johnson, Kiernan, LaGrave, Long, Lowe, Maher, Mahler, Mathews, McCarthy, McKeown, McMullin, McVay, Mulgrew, Mullaney, Mulvey, Murray of Humboldt, Murray of San Francisco, Ostrom, Petrie, Porter, Ragsdale, Reavey, Reavis, Regan, Renison, Reynolds, Rundell, Salomon, Searcy, Seawell, Shanahan, Simpson, Sims, Staude, Storke, Sykes, Tucker, Tully, Tulloch, Turner, Wear, Whitehurst, Williams, Young, and Mr. Speaker.

Quorum of both Houses present.

The President pro tem. of the Senate stated that the first order of business would be the election of five Trustees of the State Library.

RESOLUTION.

Mr. Mathews offered the following resolution:

Resolved, That when the roll is called on the election of Trustees for the State Library each Senator and Assemblyman announce the names of five candidates as his choice for the office of Trustees of the State Library.

PROTEST.

Mr. Dibble entered a verbal protest against any further proceedings in the matter of the election of five Trustees of the State Library, on the ground that the statute under which it is attempted to elect such Trustees is unconstitutional.

ADOPTION OF RESOLUTION.

The question recurring upon the adoption of the resolution offered by Mr. Mathews, the same was adopted.

NOMINATIONS.

The President pro tem. of the Senate declared nominations in order.

Mr. Yell nominated R. D. Stephens of Sacramento.

Mr. Boggs nominated Will S. Green of Colusa.

Mr. Ostrom nominated H. E. McCune of Solano.

Mr. Murphy nominated F. F. Strother of San Francisco.

Mr. Mathews nominated E. O. Miller of Tulare.

Mr. Brierly nominated C. F. Murchison of Pomona.

There being no further nominations, the President pro tem. declared the nominations closed.

The roll of the Senate was called by the Secretary, with the following result:

*For R. D. Stephens, Will S. Green, H. E. McCune, Fleet F. Strother, and E. O. Miller—*Messrs. Banks, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

The following Senators declined to vote:

Messrs. Banks, Bowers, Byrnes, Campbell, Conklin, Flint, Greely, Heacock, McComas, McGowan, Sprague, and Wilson.

Mr. Preston was paired with Mr. Langford on this question.

The roll of the Assembly was called by the Chief Clerk, with the following result:

*For R. D. Stephens, Will S. Green, H. E. McCune, Fleet F. Strother, and E. O. Miller—*Messrs. Adams, Bangs, Berry, Black, Brannan, Burnett, Burwell, Crawford, Dinan, Dobbin, Frank, Hall, James, Kiernan, LaGrave, Long, Mahler, Mathews, McCarthy, McMeekin, McVay, Mulgrew, Mullaney, Mulvey, Murray of San Francisco, Ostrom, Reavey, Reavis, Regan, Renison, Reynolds, Rundell, Searcy, Seawell, Shanahan, Staude, Tucker, Tully, Tulloch, Wear, Whitehurst, and Mr. Speaker.

*For Charles F. Murchison—*Mr. Brierly.

The following Assemblymen declined to vote:

Messrs. Alexander, Atherton, Brickwedel, Brown, Campbell, Chapman, Coleman, Coombs, Davis, Dibble, Edwards, Ewing, Fassett, Gardner, Hersey, Holmes, Hook, Lowe, Maher, McKeown, Murray of Humboldt, Petrie, Porter, Ragsdale, Salomon, Simpson, Sims, Storke, Sykes, Turner, and Williams.

Whole number of votes cast.....	64
Necessary to a choice.....	63
R. D. Stephens received.....	63
W. S. Green received.....	63
H. E. McCune received.....	63
Fleet F. Strother received.....	63
E. O. Miller received.....	63
C. F. Murchison received.....	1

The President pro tem. of the Senate announced that R. D. Stephens, H. E. McCune, F. F. Strother, E. O. Miller, and Will S. Green, having each received a majority of all the votes cast in joint convention, a majority of all the members elected to both Houses being present and voting, were duly elected Trustees of the State Library, to serve for the term of four years, commencing at the expiration of the term ending on the twenty-eighth day of February, 1890.

READING OF THE MINUTES.

The President pro tem. of the Senate directed that the minutes of the joint convention be read for approval.

Mr. Hyde objected to the approval of the minutes, on the ground that the whole proceedings were unconstitutional, irregular, and irrelevant.

The President pro tem. overruled the objection.

Mr. Caminetti moved the adoption of the minutes.

Mr. Brierly moved, as an amendment to the motion of Mr. Caminetti, that the minutes of the joint convention be approved.

Motion, as amended, carried.

Mr. Yell moved that the joint convention do now adjourn.

So ordered.

The Senators then retired.

IN SENATE.

President pro tem. S. M. White called the Senate to order, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

MOTION.

Mr. Caminetti moved to take up the order of Motions, Notices, and Resolutions.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That Willie Ayer be and he is hereby allowed four days' pay, from January sixth, as Page, at a per diem the same as the other Pages, out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that he be allowed three days' pay instead of four.

MURPHY, Chairman.

Adopted.

RESOLUTION.

Mr. Mead offered the following resolution, which was referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That Willie B. Ayer be and he is hereby continued Page of this Senate, to act as assistant to the File Clerk, at a per diem the same as other Pages, to be paid out of the Contingent Fund of the Senate.

NOTICE.

Mr. Caminetti gave notice as follows:

I give notice that I will, on to-morrow, move to amend Rule One of the Standing Rules of the Senate, so that the same shall read as follows:

"I. OPENING OF THE DAILY SESSIONS.—The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock M. to one o'clock and thirty minutes P. M. *provided*, that on Mondays the time of meeting shall be two o'clock P. M."

RESOLUTIONS.

Mr. Goucher offered the following resolution, which was adopted:

WHEREAS, Various complaints relating to the management of Yosemite Valley have been presented to the public through the columns of a few newspapers during the past year; and whereas, the San Francisco "Daily Examiner" has been the chief instrument of said publications; therefore, be it

Resolved, That the Committee on Forestry, Yosemite Valley, and Mariposa Grove of Big Trees be and it is hereby instructed to request the San Francisco "Examiner" to furnish said committee a list of witnesses whose testimony may throw light upon Yosemite management.

Resolved, That said committee be instructed to invite all persons finding fault with said management to appear and give testimony before said committee in relation to said management.

Resolved, That said committee be and it is hereby instructed to summon as witnesses J. M. Hutchings of San Francisco, ex-Guardian of Yosemite Valley, W. E. Dennison of Los Angeles, ex-Guardian of Yosemite Valley, and Mark L. McCord of Yosemite, present Guardian of said Yosemite Valley.

Resolved, That said committee is hereby authorized to send for such persons and papers as said committee may believe necessary in conducting a thorough investigation of Yosemite management.

Adopted.

CONCURRENT RESOLUTIONS.

Mr. Moffitt called for Senate Concurrent Resolution No. 7.

Senate Concurrent Resolution No. 7—Memorializing Congress to grant to the City of Oakland the north arm of the estuary of San Antonio, for the sanitary improvement of the city.

WHEREAS, The north arm of the estuary of San Antonio, extending into the City of Oakland from Front Street on the south to Twelfth Street on the north, and lying between the Fifth and Sixth Wards on the west side and the Seventh Ward on the east side, is of no value for the purposes of navigation; and, whereas, the said arm of the said estuary is at half tide an exposed mud flat, from which arises pestilential vapors deleterious to the health of the whole city, and making the property contiguous thereto unfit for habitation; and, whereas, it is a sanitary necessity for the people of Oakland that said arm of the estuary be ceded to the City of Oakland, that the same may be improved in such a manner so that the nuisance may be abated; therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be and it is hereby requested to grant to the City of Oakland the said arm of the estuary of San Antonio for improvement, for the benefit of the people of Oakland;

And be it further resolved, That a copy of this memorial be immediately transmitted by the Governor of the State to each of our representatives in Congress, and that they be requested to use all honorable endeavors to obtain such a grant.

Which was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—35.

NOES—None.

Mr. McGowan moved the adoption of Senate Concurrent Resolution No. 2, as follows:

Concurrent Resolution No. 2—Relating to the matter of securing an appropriation for the improvement of Eel River.

WHEREAS, There are many resources of the southern part of Humboldt County that depend for their early and profitable development upon the successful navigation of Eel River, the largest river in Northern California, and one that runs through a country unsurpassed in natural wealth and commercial advantages; and, whereas, the uncertainty at present attending the navigation of said river caused by the presence of a sand bar at its mouth, is materially retarding the advancement of a large section of country which now annually produces many hundred thousand dollars' worth of agricultural and dairy products, and which, if the navigation of said river could be made certain, would open up a great number of profitable fields for various branches of industry; and, whereas, it is universally conceded by those competent to judge that said river can be greatly

improved and its navigation rendered certain by the expenditure of a comparatively small sum of money, and the people living in that part of said county thus afforded the means by which their many valued products can be safely and cheaply transported to market; therefore, recognizing the urgent necessity for immediate action looking to the abatement of this injurious condition of affairs, and the just demand these people hold for relief in the premises; be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to use all honorable endeavors to secure an appropriation to be used for the purpose of improving said Eel River and rendering its navigation certain, and that a most emphatic demand be made to Congress for the relief herein asked:

And be it further resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Which was adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—30.

NOES—None.

COMMUNICATION.

The Chair announced that he had received the following communication from the Secretary of State, and upon motion of Mr. Meany the same was referred to the Judiciary Committee with instructions to pass upon the same:

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }
SACRAMENTO, January 22, 1889. }

To the Hon. S. M. WHITE, President pro tem. of the Senate:

SIR: The Constitution of the State of California allows each member of the Senate contingent expenses not exceeding twenty-five dollars. The Secretary of State is authorized to issue each Senator stationery to that amount or any portion thereof the Senator wishes to draw, and if he does not get stationery to the full amount, then he is entitled to a warrant from the Controller for the balance. Stationery has been issued to the members of the Senate and charged against them on the books of the Janitors' office. On January 22, 1889, a resolution was adopted by your honorable body as follows:

Resolved, That there be paid out of the State General Fund the sum of twenty-five dollars to each member of the Senate and the Sergeant-at-Arms, for stationery, postage, and contingent expenses of the session.

The warrants for each member have been drawn by the Controller for the full sum of twenty-five dollars. This leaves the amounts charged against the different Senators to be paid by the Secretary of the State office. I inclose herewith a statement of the amounts, as charged up against the members of the Senate, and would respectfully ask of your honorable body that they relieve this office from the said charge. This resolution, passed January 22, 1889, stops the Sergeant-at-Arms of the Senate from drawing any more stationery from the Secretary of State.

Respectfully,

W. C. HENDRICKS, Secretary of State.

Amounts of Stationery Drawn by Members of the Senate to January 23, 1889.

NAMES.	Amount.
Banks	\$0 56
Boggs	1 07
Bowers	5 42
Briceland	
Britt	07
Byrnes	6 50
Caminetti	
Campbell	6 35
Conklin	
Crandall	4 24
Dargie	7 30
De Long	
Dixon	
Dray	
Flint	1 00
Fraser	4 01
Goucher	4 96

NAMES.	Amount.
Greely	
Hamill	\$4 72
Heacock	1 98
Hinshaw	3 90
Jones	
Langford	
McComas	1 33
McDonald	1 08
McGowan	5 00
Mead	6 63
Meany	
Moffitt	
Murphy	2 03
Pinder	
Preston	
Roth	2 62
Spellacy	1 58
Sprague	
Welch	2 14
White	2 14
Williams	6 71
Wilson	3 65
Yell	3 22
Sergeant-at-Arms	3 27
	127 90
Total	\$223 93

INTRODUCTION OF BILL—(OUT OF ORDER).

Upon motion of Mr. Preston, Mr. De Long was granted permission to introduce a bill out of order.

By Mr. De Long: Senate Bill No. 333—An Act to amend sections one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two of an Act entitled "The Civil Code of California."

Referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

By Mr. Boggs:

Senate Concurrent Resolution No. 9—In view of the importance and amount of unpaid claims of this State against the United States, and in order that the Legislature may have full information in regard thereto, and as to whether the good faith of this State has been maintained with all persons employed to collect any claims of this State against the United States; therefore, be it

Resolved by the Senate, the Assembly concurring, That all matters which in anywise relate to the unpaid claims of this State against the United States, and to the efforts to secure a recognition and collection thereof from the United States made by this State or by any of its officers, and all matters involving the good faith of this State toward any persons employed to collect any claims of the State against the United States, be investigated by a special joint committee of seven, three from the Senate, to be selected by the President pro tem., and four from the Assembly, to be selected by the Speaker, which joint committee is now hereby appointed for the purposes aforesaid. Said committee, at the earliest date practicable, shall report all the facts and its conclusions, and may submit at any time its recommendations thereon, by bill or otherwise.

ADJOURNMENT.

At five o'clock and thirty minutes p. m., upon motion of Mr. Bowers, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 24, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, DeLong, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

PRAYER AND READING OF JOURNAL.

Prayer by the Chaplain, Rev. H. C. Christian.
Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 13—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Also, No. 152—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872.

Also, No. 224—An Act to amend section three hundred and sixty-two of an Act entitled "An Act to establish a Civil Code," approved March 12, 1872.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

We have also had under consideration Senate Bill No. 166—An Act to fix the salaries of Superior Judges and provide the time of payment—and respectfully report the same back and recommend that it do not pass.

JONES, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred the following Senate Bill No. 258—An Act to add a new section to the Penal Code, to be known as section one thousand six hundred and fifteen, to protect the registration of thoroughbred cattle and other domestic animals.

Also, Assembly Bill No. 4—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

DIXON, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 185—An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman, Governor of California, by the State Board of Examiners, and to appropriate money therefor.

Also, Senate Bill No. 175—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Also, Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

MOFFITT, Chairman.

FINANCE COMMITTEE—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: A majority of your Committee on Finance, to whom was referred Senate Bill No. 332—To appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act—have had the same under consideration, and respectfully report the same back and recommend that a substitute be passed requesting the Attorney-General of the State to attend the case in the United States Supreme Court, and that the sum of two thousand five hundred dollars be provided for his expenses to Washington.

BOGGS,
CAMINETTI,
DE LONG,
LANGFORD.

FINANCE COMMITTEE—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: A minority of your Committee on Finance, to whom was referred Senate Bill No. 332—To appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MOFFITT, Chairman.
CRANDALL,
DRAY.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 94—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

BRICELAND, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Also, Senate Bill No. 238—An Act to appropriate money to pay the claim of John A. Cole.

Also, Senate Bill No. 237—An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners.

Also, Senate Bill No. 236—An Act making an appropriation to reimburse the Japanese Government for money expended in the capture and extradition of Calvin Pratt.

Also, Senate Bill No. 235—An Act making an appropriation to pay the claim of Jas. Touhey.

Also, Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Also, Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Also, Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberger.

Also, Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Also, Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Also, Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Also, Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Also, Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claims of the Trustees of the Northern Branch State Normal School—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed at the Branch State Prison at Folsom—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also, Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Dean—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MEANY, Chairman.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred the following Senate Bill No. 161—An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BOGGS, Chairman.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 51—To amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

GOUCHER.
WILSON.
JONES.
YELL.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Joint Resolution No. 2—Approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the twentieth day of October, 1888.

ED. E. LEAKE, Chief Clerk.
By C. H. CONNELL, Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees as follows:

By Mr. Langford: Senate Bill No. 334—An Act to amend section four hundred and sixteen of an Act to establish a Political Code, relating to fees in the Secretary of State's office.

Referred to Committee on Finance.

Also: Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Referred to Committee on Judiciary.

Also: Senate Bill No. 336—An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

Referred to Committee on Public and Overflowed Lands.

By Mr. Roth: Senate Bill No. 337—An Act to amend subdivision seven, of section one thousand and ninety-seven, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to registration of electors.

Referred to Committee on Judiciary.

By Mr. Pinder (by request): Senate Bill No. 338—An Act relating to aliens owning real estate in this State.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 339—An Act relating to aliens doing business in the State of California.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 340—An Act entitled an Act to amend section three hundred and eighty-five of the Political Code of the State of California, relating to the salary of the Private Secretary of the Governor.

Referred to Committee on Finance.

By Mr. Goucher: Senate Bill No. 341—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Referred to Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove.

By Mr. McComas: Senate Bill No. 342—An Act to create the County of Pomona, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Referred to Committee on Counties, County Government, and Township Organization.

Also (by request): Senate Bill No. 343—An Act to amend section three hundred and twenty-four of the Civil Code, relating to the transfer of shares of the capital stock of corporations.

Referred to Committee on Corporations.

Also (by request): Senate Bill No. 344—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium or any preparation thereof.

Referred to Committee on Corporations.

Also (by request): Senate Bill No. 345—An Act to amend sections four hundred and nineteen and four hundred and twenty of the Civil Code, relating to insurance corporations.

Referred to Committee on Corporations.

By Mr. Jones: Senate Bill No. 346—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to deputies of officials in counties of the ninth class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Fraser: Senate Bill No. 347—An Act providing for the cleaning of the stone used in the Capitol building, by the removal therefrom of all stains, rust, and other unsightly and injurious substances, and the preservation of said stone from future similar conditions by chemical applications that shall protect said stone from injury through the effect of moisture, and to appropriate money to pay the expenses thereof.

Referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 348—An Act to regulate the fees of Justices of the Peace in counties of the twenty-third class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. McDonald: Senate Bill No. 349—An Act to provide for the better protection of life and limb, and to guard against accidents on street and cable roads, by the use of safety guards, and to punish negligence.

Referred to Committee on Corporations.

By Mr. Byrnes : Senate Bill No. 350—An Act to prevent deception in the sale of dairy products, and to preserve the public health.

Referred to Committee on Agriculture.

By Mr. Wilson (by request) : Senate Bill No. 351—An Act to pay the claim of James I. Stanton, ex-Coroner of the City and County of San Francisco.

Referred to Committee on Claims.

By Mr. Caminetti : Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Committee on Judiciary.

By Mr. Williams : Senate Bill No. 353—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, to provide for estimating the cost and selling price of State text-books.

Referred to Committee on Education.

Also : Senate Bill No. 354—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, relative to the free printing of the State text-books.

SPECIAL FILE.

Senate Constitutional Amendment No. 1—To propose an amendment to article thirteen, section eight, of the Constitution of the State of California.

Mr. Heacock offered the following amendment :

Strike out "five" and insert "three" in last line of section.

Mr. Goucher offered the following amendment :

Strike out all after the words "provided always," and insert after the word "always" the words, "that every person shall have two hundred and fifty dollars' worth of personal property exempt from taxation."

Mr. De Long offered the following amendment :

Strike out all after the word "March," in line five, section eight, of printed bill: "provided, always, that no assessment shall be made against any person whose entire personal property does not exceed the valuation of three hundred dollars."

RECESS.

Pending consideration of Senate Constitutional Amendment No. 1, the hour of recess arrived, and the Senate took a recess until two o'clock p. m.

REASSEMBLED.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

The question reverted to the consideration of amendments to Senate Constitutional Amendment No. 1.

QUESTION OF PRIVILEGE.

Mr. Jones rose to a question of privilege concerning a statement contained in the San Francisco "Daily Alta California" of January 24, 1889, which was headed "A Gigantic Steal," referring to Senate Bill No. 46, introduced by Mr. Jones of Butte, by request.

The article says:

There will be some curiosity in this city to know at whose request Mr. Jones was induced to father the bill in the body of which he "became a member."

Mr. Jones, replying, says:

In that respect, Mr. President, I would say that as Chairman of the Judiciary Committee, I have been in receipt of from two to a half dozen bills every day. Bills coming from eminent lawyers in this State, requesting that they be introduced and sent before the Judiciary Committee. I have not time to read these bills, and generally introduce them, and if there is any reason therefor, and I am not certain as to their contents, I introduce them by request, and when I do that I mean what that term means in this body. I do not know that I will support any bill that I introduce by request, but I do know that persons who have sent me bills are entitled to the courtesy of having them introduced into this Senate. If they were not, I should not have introduced these bills. In this particular case, I beg leave to inform the "Alta California," the people of San Francisco, and the people of the State of California, that that bill was brought to my desk, and the statement made to me that Mr. D. M. Delmas, of San José, as attorney for the parties, wished it introduced immediately. I immediately introduced the bill, "by request." It so stands on the record of this Senate. It is before the Judiciary Committee, where the parties who introduced it shall have a respectful hearing. If, in my judgment, the bill is a just bill, I shall certainly vote for it. If I believe it is not, I shall not vote for it. But as to the other suggestion made by the "Alta," that I will see the advisability of withdrawing the bill, I shall certainly not do so until the persons behind it receive the respectful hearing I deem them entitled to as citizens of this State.

SENATE CONSTITUTIONAL AMENDMENT No. 1.

Mr. Caminetti offered the following substitute to section eight of Senate Constitutional Amendment No. 1:

Section 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor annually a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March: *provided, always*, that wearing apparel (excepting jewelry), household furniture, the tools and implements of an artisan, mechanic, or laborer, whose entire value does not exceed three hundred dollars, shall be exempt from taxation.

Mr. De Long asked to withdraw his amendment and allow Mr. Caminetti's substitute to take its place.

Mr. Murphy objected.

Mr. Murphy withdrew his objection, and Mr. De Long's amendment was subsequently withdrawn.

Mr. Meany moved the previous question.

The question then reverted to Mr. Caminetti's substitute, which was lost by the following vote:

Ayes—Messrs. Banks, Britt, Caminetti, Crandall, De Long, Dray, Heacock, Jones, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, and Williams—18.

Noes—Messrs. Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Langford, McComas, Mead, Roth, Sprague, White, and Wilson—20.

Mr. White explained his vote, on the ground that the substitute discriminates against a certain class of persons mentioned in section six hundred and ninety, Code of Civil Procedure.

The question recurring upon the amendment offered by Mr. Heacock, the ayes and noes were demanded by Messrs. Goucher, Campbell, and Greely, and the same was lost by the following vote:

Ayes—Messrs. Britt, Caminetti, Crandall, De Long, Dray, Hamill, Heacock, Jones, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, and Williams—18.

Noes—Messrs. Banks, Boggs, Briceland, Byrnes, Campbell, Conklin, Dixon, Flint, Fraser, Goucher, Greely, Hinshaw, Langford, McComas, Mead, Roth, Sprague, White, and Wilson—19.

The question now recurred upon the adoption of the original resolution, when the same was lost by the following vote:

Ayes—Messrs. Britt, Caminetti, Crandall, Dray, Hamill, Jones, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, and Williams—16.

Noes—Messrs. Banks, Boggs, Briceland, Byrnes, Campbell, Conklin, De Long, Dixon, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Roth, Sprague, White, and Wilson—21.

SPECIAL FILE—(CONTINUED).

Senate Constitutional Amendment No. 2—To propose an amendment to article thirteen, section twelve, of the Constitution of the State of California.

Mr. Dray moved to make Senate Constitutional Amendment No. 2 the special order for next Tuesday, at two o'clock and fifteen minutes p. m.

So ordered.

LEAVE OF ABSENCE.

Mr. Goucher was granted leave of absence for to-morrow.

Mr. Heacock asked, and was granted, eight days' leave of absence, commencing to-morrow.

RESOLUTION—(OUT OF ORDER).

Mr. Crandall was granted permission to introduce the following resolution out of order:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to have the Bills of the Senate and Assembly each day arranged in their numerical order, as near as may be, in two separate packages, one package containing Senate Bills and one containing Assembly Bills, and after being so arranged, to distribute the same before eleven o'clock a. m. each day by placing two packages, one of Senate Bills and one of Assembly Bills, on each Senator's desk.

MOTION.

Mr. Murphy moved to refer the resolution to the Committee on Attachés, Contingent Expenses, and Mileage.

The motion was lost by the following vote:

AYES—Messrs. Boggs, Britt, Dray, Fraser, Goucher, McDonald, and Murphy—7.

NOES—Messrs. Banks, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—29.

The question recurring upon Mr. Crandall's resolution, the same was adopted.

LEAVE OF ABSENCE.

Mr. Moffitt asked leave of absence for the Finance Committee and Mr. Murphy.
Granted.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 63.

HAMILL, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, providing for his appointment and salary.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

The bill was recommitted to committee with instructions to modify the bill, the same to be placed on the third reading file for to-morrow.

LEAVE OF ABSENCE.

Mr. Conklin was granted leave of absence for the remainder of the day.

SECOND READING OF BILLS.

Senate Bill No. 36—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

MOTION.

Mr. Heacock moved that Assembly Bill No. 4 be read the first time and be substituted for Senate Bill No. 36, and that it go on the second reading file for to-morrow.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Read first time, and ordered on file for second reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the city of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Passed on file.

Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 17—An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as section (615) six hundred and fifteen, relative to cemetery corporations.

Amended in committee as follows:

Insert before the words "section" in line three of the printed bill, the words "Section 2."

Lost.

Strike out all of section two after the figure "5" in line three of the printed bill, and insert in lieu thereof the following: "Cemetery corporations may sell lands held by them upon obtaining an order for that purpose from the Superior Court of the county where the lands are situated. Before making the order, proof must be made to the satisfaction of the Court that notice of the application for leave to sell has been given by publication in such manner and for such time as the Court has directed, and that the lands are not required for and are not in use for burial purposes, and that it is for the interest of the corporation that such lands be sold. The application must be made by petition, and any member of the corporation may oppose the granting of the order by affidavit or otherwise."

Adopted.

Mr. Wilson moved to strike out the figure "3" in line one, as the same appears in the third section of the original bill, and insert the figure "2" in lieu thereof.

So ordered.

Ordered engrossed and to a third reading.

Senate Bill No. 49—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Passed on file.

Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

Recommitted to Committee on Labor and Capital.

Senate Bill No. 106—An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards.

Amended in committee, as follows:

Amend section two, in line five of printed bill, by striking out "Factory Inspector or officer," and insert in lieu thereof "Commissioner."

Adopted.

Further amend section two, in line five of printed bill, by inserting after the word "Statistics" the following: "Or his duly authorized representatives."

Adopted.

Amend section three, in line one of printed bill, by striking out the words "Factory Inspector or officer," and insert in lieu thereof the word "Commissioner."

Adopted.

Further amend section three, in line two of printed bill, by inserting after the word "statistics" the following: "Or his duly authorized representatives."

Adopted.

Further amend section three, in line four of printed bill, by striking out the word "or" after the word "either," and insert in lieu thereof the word "and."

Adopted.

Amend section four, in line five of printed bill, by striking out the words "Inspector of factories or officer," and insert in lieu thereof the word "Commissioner."

Adopted.

Further amend section four, in line six of printed bill, by inserting after the word "statistics" the following: "Or his duly authorized representatives."

Adopted.

Amend section seven, in line five of printed bill, by striking out the words "Inspector of Factories or officer" and insert in lieu thereof the word "Commissioner."

Adopted.

Farther amend section seven, in line six of printed bill, by inserting after the word "statistics" the following: "Or his duly authorized representative."

Adopted.

Amend section nine, in line one of printed bill, by striking out the words "Inspector of Factories or officer," and insert in lieu thereof the word "Commissioner."

Adopted.

Further amend section nine, in line two of printed bill, by inserting after the word "statistics" the following: "Or his duly authorized representative."

Adopted.

Mr. Campbell moved to strike out the last sentence in section one of Senate Bill No. 106.

Lost.

Mr. Crandall moved to strike out section ten.

So ordered.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read second time.

Mr. Jones offered the following substitute for section one:

SECTION 1. Section nine hundred and fifty-five of the Political Code of the State of California is hereby amended so as to read as follows:

Section 955. The officer whose duty it is to approve official bonds required of State, county, city and county, or township officers, must not accept or approve any such bond, unless each of the sureties severally justify before an officer authorized to administer oaths, as follows:

1. On a bond given by a State officer that such surety is a resident and freeholder, or householder, within this State; and on a bond given by a county, city and county, or township officer that such surety is a resident and freeholder, or householder, within such county, city and county, or within an adjoining county, or city and county.

2. That such surety is worth the amount for which he becomes surety, over and above all his debts and liabilities, in unnumbered property, situated within this State, exclusive of property exempt from execution and forced sale.

3. A member of the Board of Supervisors shall not be accepted as surety upon the official bond of any county, city or county, or township officer of this county, or city and county; nor shall the Sheriff, Clerk, Tax Collector, Treasurer, Recorder, Auditor, Assessor, or District Attorney of the same county, or city and county, become sureties upon official bonds for each other.

4. A corporation, such as is mentioned in section ten hundred and fifty-six of the Code of Civil Procedure of this State, may become and shall be accepted as sole and sufficient surety upon any bond or undertaking authorized or required by the provisions of this Code, or any law of this State, subject to the provisions of said section, and those of section ten hundred and fifty-seven of the same Code.

Adopted.

Mr. Jones moved to amend section two by adding thereto the words "or be accepted as sole and sufficient surety."

Adopted.

The committee recommended the following amendment to the title:

Amend title so as to read as follows: An Act to amend sections nine hundred and fifty-five and nine hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds.

Adopted.

Also, the following amendment to section two of the bill:

In line thirteen, page two, after the word "mentioned," strike out "in the next preceding section," and insert in lieu thereof the words "in section nine hundred and fifty-five of this Code."

Adopted.

Bill ordered engrossed and to a third reading.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Goucher: Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Referred to Committee on Corporations.

By Mr. Meany: Senate Bill No. 356—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby, for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Referred to Committee on Irrigation.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Amend section one as follows: Insert in line five of printed bill the words "or of any law in this State" after the word "Code," and before the word "any."

Adopted.

Also, insert in line thirteen of printed bill the word "shall" after the word "and," and before the word "accepted."

Adopted.

Amend section two as follows: In line three of section two of printed bill strike out the words "all cases," and insert in lieu thereof "any case."

Adopted.

Also, in section two, line four of printed bill, by striking out the word "law," and inserting in lieu thereof the words "any law in this State."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Mr. Caminetti offered the following amendment to section one of Senate Bill No. 98:

Amend by inserting the words "for cause" after the word "remove," in line four, page one of printed bill.

Adopted.

Also, by Mr. Caminetti, as follows:

Strike out the word "unanimous" where it appears in line four, section two, and insert in lieu thereof the word "majority."

Mr. Yell moved that further consideration of the bill be postponed, and that it retain its place on the file.

So ordered.

Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses.

The following substitute was offered by the committee:

SENATE CHAMBER, SACRAMENTO, January 21, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 28—Entitled an Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses—having had the same under consideration, respectfully report the same back with the recommendation that the following be substituted therefor:

An Act to add a new section to the Penal Code, to be known as section five hundred and fifty-eight, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person who obtains any food or accommodation at an inn or boarding house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at an inn or boarding house by the use of any false pretense, or who, after obtaining credit or accommodation at any inn or boarding house, absconds and surreptitiously removes his baggage therefrom without paying for his food or accommodations, is guilty of a misdemeanor.

SEC. 2. This Act shall take effect immediately.

JONES, Chairman.

Mr. Yell moved to strike out section two.

So ordered.

The question being upon the adoption of the substitute recommended by the committee, the same was adopted.

The substitute, as amended, was then ordered engrossed, and to a third reading.

Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

The following amendment was recommended by the committee:

In line six of the printed bill strike out the word "in," and insert in lieu thereof the word "into."

Adopted.

Amend the title by adding, after the word California, the words "relative to cases in which appeals may be taken to the Supreme Court."

Adopted.

The bill, as amended, ordered engrossed and to a third reading.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Heacock:

Resolved, That in the absence of the Sergeant-at-Arms, the Controller be and he hereby is directed to deliver the warrants of the members, officers, clerks and employees of the Senate to the clerk or bookkeeper of the Sergeant-at-Arms, taking their receipt therefor.

Adopted.

By Mr. Goucher:

Resolved, That the Sergeant-at-Arms be and he hereby is granted leave of absence to and until Monday, January 28, 1889, at eleven o'clock A. M.

Adopted.

Mr. Preston offered the following resolutions, which were referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized to purchase a desk for the use of the Secretary of the Senate, to be paid out of the fund for contingent expenses of the Senate, and the Controller is directed to draw his warrant for the same.

Also:

Resolved, That the sum of three hundred and thirty dollars (\$330) be appropriated out of the Contingent Fund of the Senate, to pay the bill of John P. Hughes for work done and material furnished in the Sergeant-at-Arms' rooms to date, as per bill annexed, and approved by said Sergeant-at-Arms.

SACRAMENTO, January 20, 1889.

State of California, to John P. Hughes, Dr.:

To putting up shelving, pigeon holes, and coat hooks, as per agreement..... \$300 00

Approved: GEO. FAYLOR, per Fay.

AGREEMENT.

To the Sergeant-at-Arms of the Senate:

I agree to put up the shelving and pigeon holes in the rooms of the Sergeant-at-Arms of the Senate, same to contain four hundred and eighty compartments, more or less, to be stained on the face, and with the necessary coat hooks on back, for the sum of three hundred dollars, and desire your indorsement hereon.

JOHN P. HUGHES.

SACRAMENTO, CAL., January 8, 1889.

Approved: G. W. FAYLOR.

MOTION.

Mr. Jones moved that the order of "second reading of bills" be so changed that Senate Bill No. 67 will take the place of Senate Bill No. 69, and Senate Bill No. 68 shall follow Senate Bill No. 67 on the General File.
So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 67—An Act to amend section two hundred and sixty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accomplished by false representations and pretenses, or other fraudulent means.

Mr. Goucher moved to strike out all the words in section two hundred and sixty-six after the word "years," in line fifteen, page two of printed bill.

Adopted.

The bill was ordered engrossed and to a third reading.

NOTICE OF CHANGE OF RULES.

Mr. Caminetti called up his notice of yesterday, relative to the changing of the rules, as follows:

I give notice that I will, on to-morrow, move to amend Rule One of the Standing Rules of the Senate, so that the same shall read as follows:

"I. OPENING OF THE DAILY SESSIONS—The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock M. to one o'clock and thirty minutes P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock P. M."

Referred to Committee on Rules.

MOTION TO RECONSIDER.

Mr. Caminetti moved to reconsider the vote by which the Senate concurred in the Assembly amendment to Senate Bill No. 1.

The roll was called upon the question, "Shall the vote be reconsidered?" with the following result:

AYES.—Messrs. Banks, Bowers, Briceland, Caminetti, Campbell, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—28.

NOES.—None.

Thereupon the roll was called upon the reconsideration of the vote whereby the Assembly amendment was concurred in, and the Senate declined to concur in the Assembly amendment by the following vote:

AYES.—None.

NOES.—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

The Secretary was instructed to notify the Assembly of the action taken by the Senate.

RESOLUTION.

By Mr. Heacock:

WHEREAS, The duties of the Journal Clerk and his assistants are and continue to be, from day to day, more and more laborious and arduous; and, whereas, it is to the best interests of this Senate that the force so employed be kept at continuous work, night and day, until the completion of said duties; and, whereas, the force at present thereon employed is entirely inadequate to accomplish the work; therefore, be it

Resolved, That J. A. Ford be and he hereby is appointed an Assistant Journal Clerk, at the same per diem as Journal Clerk, the said per diem to be payable out of the appropriation for the contingent expenses of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Mr. Preston moved that permission be granted Mr. Dray to introduce a bill out of order.

Permission was granted.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Dray: Senate Bill No. 357—An Act to authorize the payment of claims against the State which were incurred under "An Act to promote drainage," approved April 23, 1880, and to appropriate money for their payment.

Referred to Committee on Claims.

RESOLUTION—(OUT OF ORDER).

Mr. Wilson offered the following resolution, which was referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the sum of four hundred and two dollars and twenty-five cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the bill of Bancroft-Whitney Co., for Codes furnished and expressage on same, as per resolution of the Senate and bill annexed.

SACRAMENTO, January 24, 1889.

State of California (Senate) to Bancroft-Whitney Co., Dr.:

Forty sets Pocket Codes, as per Senate resolution, at ten dollars per set.....	\$400 00
Expressage.....	2 25
Total.....	\$402 25

Approved: STEPHEN M. WHITE, President pro tem.

I certify that these have been received, and delivered to Senators who have called for them.

L. M. LANDSBOROUGH, State Janitor.

Mr. Meany offered the following resolution, which was referred to Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, that the Chairman of Committee on Claims appoint a shorthand reporter when necessary, his pay to be governed by the statutes.

ADJOURNMENT.

Upon motion of Mr. Goucher, the Senate adjourned at five o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,)
Friday, January 25, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 276—An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs and the larceny thereof.

Also, Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Your committee has also had under consideration Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the

capital stock and the increase of the bonded indebtedness of corporations—and report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 269—An Act to establish a Police Court in and for the City of Marysville—hereby amend their report hitherto made on said bill, and having had the same under consideration, and respectfully report the same back and recommend that it do pass.

JONES, Chairman.

ON FISH AND GAME.

By Mr. Jones (by request):

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also, Senate Bill No. 254—An Act entitled an Act to prevent persons entering upon lands of another in the State of California for the purpose of shooting, or hunting, or fishing, or discharging firearms or lighting campfires thereon—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

Also, Senate Bill No. 253—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game—have had the same under consideration, and respectfully report the same back without recommendation, as it is already provided for.

Also, Senate Bill No. 244—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

PINDER, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 88—An Act to amend section three thousand and sixty-two of the Political Code, relating to Boards of Health.

Also, Senate Bill No. 93—An Act to amend section three hundred and seventy-seven of the Penal Code.

Also, Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State Asylum for the Insane, and for the control and management of a resulting Contingent Fund.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

BRICELAND, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred the following Senate Concurrent Resolution No. 9—In relation to unpaid claims of this State against the United States, and the appointment of a joint committee thereon—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

CAMINETTI, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 124—An Act making appropriation for a deficiency in the appropriation for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-six, thirty-seventh, and thirty-eighth fiscal years—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended by committee.

MEANY, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Bills Nos. 53 and 54—Relating to salary of Immigration Commissioner and Deputy Immigration Commissioner—have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also, Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887—have had the same under consideration, and respectfully report the same back and recommend that it be amended by insert-

ing after the word "Home," in the twelfth line of the last section, the following: "All money received by the Home for the support and care of resident and non-resident persons shall be paid into the State Treasury and placed to the credit of the Home, and shall be drawn therefrom by the Trustees only, for the maintenance of the inmates of the Home. All money received from the sale of live stock, or products of the Home, shall be placed in a special fund by the State Controller for the use of the inmates of the Home, and may be drawn therefrom only on requisition of the Board of Trustees. No money in the special fund created by this Act shall be transferred to any other fund as long as the Home exists as an institution of the State."

The committee recommend that it do pass as amended.

Also, Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

MOFFITT, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 5—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

SPELLACY, Chairman.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 26—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Mr. Goucher moved that the bill be placed on file for first reading without reference to any committee.

So ordered.

Also the following message:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted as a substitute for Senate Concurrent Resolution No. 4—Requesting the Congress of the United States to maintain the Scott Exclusion Act, and recommending additional legislation to perfect the operation of the same—the following:

Senate Concurrent Resolution No. 4—Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress, entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relating to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective. Be it remembered, that,

WHEREAS, It has been asserted, and claimed, that the passage of said Act by the Fiftieth Congress of the United States, and the approval thereof by the President, has caused dissatisfaction among the people of the State of California; and whereas, it is not true that the said Act, or its passage by Congress, or its approval by the President, has caused any dissatisfaction whatever among the citizens of this State, but on the contrary, has at all times met with their warm approbation; and whereas, to the people of the State of California said Act is a boon almost as deeply prized as was the Declaration of Independence to the original thirteen States of the Union; now, therefore, that the sentiment of the people of the State of California may not be misrepresented or misunderstood, be it

Resolved, That the Senate and Assembly of said State, duly convened, hereby place the seal of approval on the action of the Congress of the United States and the President thereof, in granting by the provisions of said Act the relief so long and earnestly sought by the entire population of the State; and be it further

Resolved, That never at any time since first they sought the inhibition of Chinese immigration have our citizens faltered for a moment in their resolution to first obtain and then maintain the exclusion from our shores of a people detrimental to our country and a menace to its prosperity; and be it further

Resolved, That an experience of forty years has proven to our people, beyond the power of all argument to dispel, that the proffer to the people of China of the rights and privileges of the most favored nations is a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizens of the Republic; and be it further

Resolved, That the Senate and Assembly of the State of California recommend to the Congress of the United States and the President of the Republic the passage of such wise laws, the perfection of such additional legislation, and the making of such treaties as will best secure the enforcement of said Act, and effectually prevent the evasion thereof: and be it further

Resolved, That the Executive of our State, his Excellency the Governor, he and he is hereby authorized to forward by telegraph a copy of these resolutions to each of our Senators and Representatives at Washington, who are by these resolutions requested to present the same to Congress at such time as in their good judgment may best secure the due and favorable consideration thereof.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Mr. Wilson moved that it be made a special order for next Tuesday, at three o'clock P. M.

Also, the following message was received:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 8—Relative to whereas the Superintendent of Public Instruction has received a telegram, of which the following is a copy.

E. E. LEAKE, Chief Clerk.

By E. H. CONNELL, Assistant Clerk.

Also, the following message, which was referred to the Committee on Federal Relations:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 4—Relative to filling the vacancy caused by the death of Wm. Blanding.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Also, the following message, which was referred to the Committee on Claims:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 5—Relative to appointment by the Senate and Assembly of a joint committee to investigate the matter of unpaid claims of the State against the United States.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

REPORT OF COMMITTEE—(OUT OF ORDER).

ON FORESTRY.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Forestry, to whom was referred Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

MEANY, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Crandall: Senate Bill No. 358—An Act to amend section seven hundred and four of the Penal Code of the State of California, relating to security to keep the peace.

Referred to Committee on Judiciary.

By Mr. Fraser: Senate Bill No. 359—An Act amendatory and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State

by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Referred to Committee on Judiciary.

Also: Senate Bill No. 360—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and forty-four, to define the duties of County Treasurers relating to moneys deposited by Public Administrators.

Referred to Committee on Judiciary.

By Mr. McComas: Senate Bill No. 361—An Act to provide for the division of existing counties, and for the creation of new counties.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Goucher: Senate Bill No. 362—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Referred to Committee on Finance.

By Mr. Dixon (by request): Senate Bill No. 363—An Act relating to the mode, place, and time of inflicting the death penalty.

Referred to Committee on State Prisons and Prison Buildings.

By Mr. Flint: Senate Bill No. 364—An Act to pay the claim of William Pyburn, his heirs, or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Referred to Committee on Claims.

Also: Senate Bill No. 365—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Wilson: Senate Bill No. 366—An Act to repeal section three hundred and six, article two, chapter one, title one, part four, division first, of the Civil Code of this State, relating to corporations.

Referred to Committee on Judiciary.

Also: Senate Bill No. 367—An Act entitled an Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, relative to the price to be paid by purchasers of the school lands of the State.

Referred to Committee on Finance.

By Mr. McGowan: Senate Bill No. 368—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, by amending and revising section one hundred and seventy-three of said amendatory Act of 1885.

Referred to Committee on Counties, County Government, and Township Organization.

Also: Senate Bill No. 369—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by revising section seventy and section seventy-one of said Act, relating to the duties of the County Treasurer.

Referred to Committee on Counties, County Government, and Township Organization.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 23—An Act making an appropriation for the payment of discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MEANY, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 28, 17, 109, 116, 31, 41, 83, 106, 67, 39, and 27.

HAMILL, Chairman.

VISITS TO STATE INSTITUTIONS.

Mr. Caminetti moved that permission be granted a sub-committee of the Committee on Education to visit Chico for the purpose of investigating a State institution.

So ordered.

Mr. Spellacy moved that the Committee on Public Morals be granted permission to visit San Francisco and San Quentin.

So ordered.

THIRD READING OF BILLS.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Amended as follows:

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your special committee, to whom Senate Bill No. 63 was recommitted to amend the same by striking out all of section six of said bill, report the same back, amended according to instructions.

MURPHY, Chairman.

Bill, as amended, ordered engrossed and reprinted.

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Laid over for one day.

Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Wilson—29.

NOES—Messrs. Campbell, Conklin, and Hamill—3.

Title read and approved.

Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political

Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

Bill read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—32.

NOES—Mr. Pinder—1.

Title read and approved.

MOTION.

Mr. Wilson moved that the hour of recess be extended until the matter under consideration was disposed of.

Mr. Goucher moved, as an amendment, that the session continue until half-past one o'clock.

Mr. Wilson accepted the amendment, and the motion, as amended, prevailed.

LEAVE OF ABSENCE.

Mr. Spellacy asked leave of absence for the Committee on Commerce and Navigation for half an hour.

Granted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 17—An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and fifteen, relative to cemetery corporations.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, Langford, McComas, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill.

Bill read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dray, Flint, Fraser, Goucher, Greely, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 106—An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards.

Read third time, and, upon motion of Mr. Jones, the bill was temporarily passed on file."

CALL OF SENATE.

Mr. Moffitt moved a call of the Senate, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, Welch, and White—29.

NOES—None.

Title read and approved.

Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Meany, Moffitt, Preston, Roth, Sprague, Welch, White, and Yell—27.

NOES—None.

Title read and approved.

Senate Bill No. 28—To add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.

Mr. Jones moved that the bill be referred to a special committee of one, consisting of Mr. Dray, to amend the title by inserting the figures "537," instead of "558."

The committee reported that the amendment had been made, and the report was adopted.

The bill was ordered reëngrossed and printed, as corrected.

Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, White, and Yell—26.

NOES—None.

Title read and approved.

Senate Bill No. 67 was passed on file.

Mr. Caminetti moved to take up the order of Motions, Notices, and Resolutions.

So ordered.

MOTIONS, NOTICES, AND RESOLUTIONS.

By Mr. Caminetti (by request of Mr. Heacock): Senate Constitutional Amendment No. 10—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California.

Referred to Committee on Judiciary.

Mr. McGowan called for Senate Concurrent Resolution No. 1:

Senate Concurrent Resolution No. 1—Relating to the opening for settlement of Klamath River Indian Reservation.

WHEREAS, by an Act of Congress, approved April 8, 1861, there were set apart and determined the number of and places for Indian reservations in the State of California, and said Act directed that lands formerly held in this State as Indian reservations should be surveyed and opened for sale and to settlement; and whereas, Klamath River Indian Reservation, extending up Klamath River on both sides thereof a distance of twenty miles from the mouth of said river, situated in the northern part of California, was, prior to the approval of the Act referred to, held as an Indian reservation, and was not selected as such by said Act, and never has been used as a reservation since; and whereas, the land included in said reservation has been withheld from sale, as directed by said Act or otherwise, and has not been thrown open to settlement, and the Land Department of the United States has persistently and unwarrantably refused to comply with the provisions of said Act, or to open said land to settlement; and whereas, included in said reservation are many thousands of acres of land peculiarly well adapted to agriculture, grazing, and lumbering purposes, and contains the larger part of a navigable river, the Klamath River, almost equal in size to the Potomac, abounding in fish and affording unsurpassed facilities for salmon fisheries; and whereas, there are less than one hundred Indians on said reservation at the present time, who receive no governmental aid or support whatever, who cannot avail themselves of its many resources, and who would be immensely benefited by being afforded a field of labor in the establishment of industries thereon; and whereas, ample provision can be made for said Indians without withholding so large and valuable tract of land from settlement; and whereas, by reason of the Act referred to, as well as correspondence from said department, and the fact that it was generally believed, by persons competent to judge, that said reservation was abandoned by said Act, many industrious settlers were encouraged to settle upon said reservation, and they have spent many years of labor and much money in developing some parts of said reservation, that they might have and enjoy homes of their own, only to be driven therefrom whenever it would suit the caprice of some departmental authority; and whereas, it is conceded to be against the best interests of our State that so large a field for labor and enterprise should be held in reserve from our people; and whereas, it is wrong and improper that those who formerly settled on said reservation, under the circumstances brought about by said department, should be compelled to suffer loss and annoyance by reason of the delinquency and inattention in failing to comply with the provisions of said Act; therefore, be it

Resolved by the Senate, the Assembly concurring, That our Senators be instructed and our Representatives be requested to immediately take such action in Congress as they deem necessary, to the end that said reservation be thrown open to settlement, and not sold as provided by said Act; and that due and proper protection be awarded the rights and equities of the former settlers thereon, and that every honorable means be used with this view, until such objects are accomplished and the rights of such settlers recognized and protected;

And be it further resolved, That his Excellency the Governor is hereby requested to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Mr. McGowan moved the adoption of the resolution.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell—31.

NOES—None.

Mr. Murphy offered the following resolution:

Resolved, That the Committee on Commerce and Navigation be and is hereby granted leave of absence until Tuesday morning, January twenty-ninth next, for the purpose of visiting and inspecting the progress of the work on the seawall of San Francisco, and the property of the State connected therewith.

Adopted.

By Mr. White: Senate Constitutional Amendment No. 11—To propose an amendment to section ten (10) of article thirteen (13) of the Constitution of the State of California.

Referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly reëngrossed: Senate Bill No. 63.

HAMILL, Chairman.

RESOLUTION.

Mr. Boggs offered the following resolution:

Resolved, That when the Senate adjourns it stands adjourned until Monday next at the usual hour.

Adopted.

MOTION.

Mr. Boggs moved that the hour of recess be extended for one half of an hour.

So ordered.

RESOLUTIONS.

Mr. Meany offered the following resolution, which was referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the pay of the doorkeepers and gatekeepers of the Senate be and the same is hereby increased to five dollars per day.

By Mr. Preston (by request): Senate Concurrent Resolution No. 10—Requesting the Congress of the United States to refuse the Territory of Utah admission as a State in the Federal Union so long as polygamy, or the system of plural marriages, prevails within its boundary.

Referred to Committee on Federal Relations.

Mr. Caminetti offered the following resolution:

Resolved, That the Special Committee on Commissions be authorized to employ a clerk, the services of such clerk to end at the time said committee makes its report to the Senate.

Adopted.

By Mr. Britt (by request): Constitutional Amendment No. 12—An Act to propose an amendment to section eleven, of article six, of the Constitution of the State of California, relative to the jurisdiction of Justices of the Peace.

Referred to Committee on Constitutional Amendments.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 7—Relative to memorializing Congress to grant to the City of Oakland the north arm of the estuary of San Antonio for the sanitary improvement of the city.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred the following Senate Bill No. 151—An Act authorizing the formation of township mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

GOUCHER, Chairman.

SENATE CONCURRENT RESOLUTION No. 9.

Mr. Caminetti moved to take up the resolution introduced by Mr. Boggs on Wednesday and referred to the Committee on Education:

Senate Concurrent Resolution No. 9.—In view of the importance and amount of unpaid claims of this State against the United States, and in order that the Legislature may have full information in regard thereto, and as to whether the good faith of this State has been maintained with all persons employed to collect any claims of this State against the United States; therefore, be it

Resolved by the Senate, the Assembly concurring. That all matters which in anywise relate to the unpaid claims of this State against the United States, and to the efforts to secure a recognition and collection thereof from the United States made by this State or by any of its officers, and all matters involving the good faith of this State toward any persons employed to collect any claims of the State against the United States, be investigated by a special joint committee of seven, three from the Senate, to be selected by the President pro tem., and four from the Assembly, to be selected by the Speaker, which joint committee is now hereby appointed for the purposes aforesaid. Said committee, at the earliest date practicable, shall report all the facts and its conclusions, and may submit at any time its recommendations thereon, by bill or otherwise.

Mr. Caminetti moved to rescind the order heretofore made referring Assembly Concurrent Resolution No. — to Senate Committee on Finance, and substitute same in place of Senate Concurrent Resolution No. 9.

So ordered.

Mr. Caminetti moved that the resolution be concurred in.

So ordered.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Bowers: Senate Bill No. 370—An Act to amend the Penal Code by adding thereto a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium and other narcotic poisons, or any preparation thereof.

Referred to Committee on Public Morals.

Also: Senate Bill No. 371—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and a half.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Murphy: Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children.

Referred to Committee on Finance.

Also: Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children.

Referred to Committee on Finance.

ADJOURNMENT.

On motion of Mr. Yell, the Senate adjourned at one o'clock and forty-five minutes P. M.

IN SENATE.

SENATE CHAMBER.

Monday, January 28, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greedy, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Leave of absence granted to Messrs. Hinshaw and Dargie for one day.

Journal of Friday read and approved.

REPORTS OF STANDING COMMITTEES.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

Also, Senate Bill No. 340—An Act entitled an Act to amend section three hundred and eighty-five of the Political Code of the State of California, relating to the salary of the Private Secretary of the Governor—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MOFFITT, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of water supplied to cities and counties, cities and towns, and to the inhabitants thereof—have had the same under consideration, and respectfully report the same back and recommend that it be amended as follows: Insert the word "to" after the word "or," in line two, section one, of the printed bill.

MOFFITT, Chairman.

ON HOSPITALS—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was granted leave of absence to visit the institutions receiving State aid within the County of Santa Clara—respectfully report that they visited the California Home for the Care and Training of Feeble-Minded Children.

We found the Home in excellent condition, and the management of the same under the control of Dr. Osborn, an accomplished and capable expert in this class of abnormals, assisted by Mrs. Osborn in the capacity of Matron.

We cannot speak too highly of those who have the daily care of these children. The health of the inmates during the past two years was exceptionally good, only four deaths out of the whole number—from seventy to one hundred and twenty—one of said deaths was by drowning.

This tells most favorably for the sanitary conditions of the location of the Home. Fifty-one acres of good land belongs to the Home. These acres are ample to permit such boys under the care of the Home as may be of suitable age and strength, to cultivate—thereby assisting in the support of the institution.

To the end that the sewage of the Home may be more complete, we were informed that the town of Santa Clara offers to allow or permit the Home to connect any sewer that may be constructed with the sewage system of Santa Clara, which connection can be made at a comparatively small cost, and when so connected the Home will have ample sewage outlet. We therefore recommend the connection. The Home is located near the town of Santa Clara, convenient to two railroads, making it easy of access from any part of the State.

The present crowded state of the Home, and the numerous applications from all parts of the State, requires additional rooms. The committee recommends the appropriation of twenty-five thousand dollars for the erection of two detached frame buildings, two stories in height, for additional accommodation; also, an appropriation ample to meet all the wants for the ensuing two years.

The committee also visited the Insane Asylum for Chronic Insane, located at Agnews, Santa Clara County. We found the building very substantial, and well arranged for the purpose designed. On account of the crowded condition of that part of the building completed, we earnestly urged that the whole building be speedily completed, and such other improvements as are immediately required.

Your committee also visited the Home of Benevolence, located in the City of San José. This Home is one of the best managed institutions receiving State aid. Dormitories, dining rooms, kitchen, etc., were evidence of care, cleanliness, and economy. The very competent Matron, Mrs. ———, in her control of the institution, exhibits remarkable executive ability, and deserves decided commendation.

We, the committee, recommend the usual appropriation for said Home.

Your committee returned to San Francisco on Sunday. The committee divided into two divisions, Senator Mead and Senator Byrnes visited the San Rafael Orphan Asylum, Marin County, and Senator Bowers, Senator Dixon, and Senator Brice land, with the clerk of said committee, visited the Hebrew Orphan Asylum at San Francisco.

Reports on condition of the above named institutions receiving State aid, by said committee, being very favorable, it is recommended that the usual State appropriation be made.

BRICELAND, Chairman.

ON HOSPITALS—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, JANUARY 28, 1889.

MR. PRESIDENT: Your Committee on Hospitals having visited and carefully examined the Home for the Care and Training of Feeble-Minded Children of the State of California, together with all its surroundings, are compelled to differ from the majority of the committee in reference to the advisability of removing the institution from its present location, and offer the following minority report:

The minority of the committee think there are almost insuperable objections to the present location, as well as reasons based upon economy and sound business principles.

First—The amount of land connected with the institution is insufficient for carrying out the objects and purposes for which it was established. We believe that at least two hundred acres of land are necessary in order to give proper employment to the inmates, many of them being able to do considerable work, which we believe to be a benefit to the inmates physically and mentally, also financially to the State.

Second—Water being one, if not the most important, thing to be considered, we believe that there are in many places in this State where it would be proper to locate an institution of this character, good water rights, to be obtained at a nominal cost. The present limited amount is procured at large expense by means of pumping with steam power; and when a proper system of sewerage is constructed it will require more water than can be obtained for properly flushing the same, and for general use of the Home.

Third—The drainage system will also be of a very expensive character, and will be of necessity connected with the sewerage system of the City of Santa Clara; and this we disapprove, at least until there is an agreement entered into between the city and State.

Fourth—We believe that the present Home can be sold for nearly enough to purchase a more suitable place, in compliance with the reasons above stated.

(Signed:)

MEAD.
ROTH.

Upon motion of Mr. Mead, the two reports were made a special order for Wednesday next, immediately after the reading of the Journal.

REPORT OF SPECIAL COMMITTEE.

To the Senate and Assembly of the State of California:

Your committee, hitherto appointed by a joint resolution of the Senate and Assembly of the State of California, to meet and confer with a like committee appointed by the Legislature of the State of Nevada, respectfully report as follows:

On January 21, 1889, your committee met, in Sacramento, a delegation from Nevada, headed by the Hon. Eyan Williams, President pro tem. of the Senate of the State of Nevada, and the Hon. Trenmore Coffin, Speaker of the Assembly of the State of Nevada, together with Hon. M. D. Foley, R. S. Osbourne, Wm. E. Sharon, J. Ponjade, A. Garrard, Wm. Thompson, A. E. Cheney, L. A. Blakesley, and H. B. Maxon, all members of the Legislature of the State of Nevada, and met in joint conference January 20, 21, and 22, 1889.

This honorable committee stated to the representatives of your honorable body that the object of their visit was twofold:

First, to request the Legislature of this State to enact such amendments to its statute as to prevent the dumping of sawdust into the headwaters of the rivers of the State of Nevada having their sources on the eastern slope of the Sierra Nevada, in the State of California, the result of such action having been to affect the waters of such rivers, upon which the people of Reno and other places of Nevada are dependent for water supply for household purposes, to such an extent as to generally injure the health of the citizens.

These gentlemen claim that the damage done to the people of the State of Nevada is greatly in excess of the proportional benefit to the people of the State of California.

Your committee believe in the correctness of this proposition, and deem it not only a courteous act to a sister State, but in accordance with the dictates of humanity, to pass such legislation as will give adequate relief in this matter.

The second proposition advanced by the representatives of the sister State was that the natural boundary line between the State of Nevada and the State of California was that which would fall upon the summit of the Sierra Nevada; that the territory lying on the eastern slope of the Sierra Nevada was originally intended to belong to their State; and that the inhabitants who now occupy that territory (being about the same that now compose the Counties of Alpine, Inyo, and Mono) would prefer to-day to be annexed to the State of Nevada. That, with that territory within its boundaries, Nevada would be enabled to control from its source the water flowing down the east slope of the mountains, forming the rivers of that State. The control of the water sources, and the nature of the country, would enable, at a nominal cost, the establishment of great chains of reservoirs, enabling the control of the surplus water, and by such means develop an irrigation system which would make a vast area of unprofitable land capable of production.

They claim that this natural boundary line being established, would add to the comfort and prosperity of the State of Nevada, and that no injury could be done to the State of California, into whose coffers they are continually pouring the wealth resulting from their resources, and that our State would continue to be a receptacle of the increasing wealth.

Your honorable committee reports this matter back without recommendation, believing, at this time, that while there may be some logic in the arguments advanced, yet it is one that requires more careful study and a better knowledge of the general situation than we have now, or may be able to obtain within a reasonable time.

In this connection, and in accordance with a precedent set by the Legislature of the State of Nevada two (2) years since, in receiving a delegation from the Legislature of the State of California, we deem it as eminently proper, and consistent with the dignity of the State of California, that the guests of our sister State should be received as and be the guests of this State during their sojourn here.

In accordance therewith, we took the liberty of providing for their reception and entertainment here, inviting to participate therein his Excellency R. W. Waterman, Hon. S. M. White, and Hon. Robert Howe—the Governor, Acting Lieutenant-Governor, and Speaker of the Assembly of this State. The expenses of which entertainment amount in all to the sum of four hundred and five dollars, an itemized statement of which is in the hands of the Chairman of your respective committees. And we recommend that one half ($\frac{1}{2}$) of said sum be borne by each house, and a warrant ordered drawn therefor in favor of the Chairman of the Reception Committee, to pay the same out of the Contingent Fund of each house; to be paid to the respective parties in accordance with the statement now in the hands of your committee.

All of which is respectfully submitted.

F. J. MOFFITT, Chairman of Senate Committee.

J. A. HALL, Chairman of Committee of the Assembly.

Statement of expenses of Joint Committee of Senate and Assembly to receive Joint Committee of Nevada Legislature.

H. S. Crocker & Co., printing.....	\$22 50
Golden Eagle, carriages	77 50
Capital, carriages.....	6 00
F. J. Moffitt, cash—carriages and telegrams.....	7 50
Golden Eagle Hotel	32 50
Restaurant de France.....	230 50
A. F. Jones, telegrams, dictation, and copy of report, etc.....	28 50
	<hr/>
	\$405 50

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly, and referred to Committee on Viniculture and Viticulture :

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 1—Relative to instructing our Representatives in Congress to call and urge upon the Senate and House Committee on Agriculture, that the Vegetable Pathology Department of Agriculture be given an appropriation to investigate the nature of the malady that threatens vines in our State.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Goucher: Senate Bill No. 374—An Act to create and establish a State Board of Insurance, and prescribe its powers and duties.

Referred to Committee on Corporations.

By Mr. Wilson: Senate Bill No. 375—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same.

Referred to Committee on Military Affairs.

By Mr. McComas: Senate Bill No. 376—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the compensation of officers in counties of the fifth class, and the appointment of deputies of such officers, and the providing of offices for such officers.

Referred to Committee on Judiciary.

By Mr. Briceland: Senate Bill No. 377—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California, within the County of Shasta, to be known as the Northern State Insane Asylum, and appropriating money therefor.

Referred to Committee on Finance.

By Mr. Meany (by request): Senate Bill No. 378—An Act to add a new section to the Penal Code, relative to the prohibition and prevention of the use of all acids, or solution of acids, in the manufacture of hermetically sealed tin cans used for canning purposes, to be known as section two hundred and forty-six.

Referred to Committee on Hospitals.

Also: Senate Bill No. 379—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein.

Referred to Committee on Irrigation and Water Rights.

By Mr. Jones: Senate Bill No. 380—An Act to add an additional section to title three, part two, division four, of the Civil Code of this State, relative to assignments for the benefit of creditors.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prison Buildings.

Also: Senate Bill No. 382—An Act to amend section six hundred and thirty-two of the Penal Code, approved February 14, 1872, relating to the preservation of game and fish.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 383—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 384—An Act to amend "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 385—An Act to prevent the taking or killing of salmon in Cache Creek Slough, in Solano County.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 386—An Act to authorize the Board of Fish Commissioners of this State to decide what size salmon, shad, sturgeon, trout, black bass, pike, and other fish must attain to be considered as mature fish.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 387—An Act to authorize the Board of Fish Commissioners to dispose of the steam launch "Governor Stoneman," and to replace it by two smaller boats, to be used as patrol boats.

Referred to Committee on Fish and Game.

Also: Senate Bill No. 388—An Act to create a Commission, provide for its management, and for the appointment of the members thereof, and to appropriate funds for an exhibit of the resources and products of the State of California at London, England.

Referred to Committee on Finance.

Also: Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and thirty-four, relating to fish and game.

Referred to Committee on Fish and Game.

THIRD READING OF BILLS.

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Jones, McComas, McGowan, Mead, Moffitt, Roth, Sprague, Welch, White, and Yell—23.

NOES—Messrs. Crandall and Greely—2.

Title read and approved.

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Mr. Dray moved that it be referred to a committee of one, to consist of Mr. Caminetti, to amend the bill.

So ordered.

REPORT OF SPECIAL COMMITTEE.

The committee of one on amendment submitted the following report :

In lines six, seven, and eight, section two, of printed bill, strike out the following words: "Also to have raised a mound of earth in or near the center of that part of the grounds above referred to as a site for a conservatory."

Also, in lines eleven and twelve, section two, of printed bill, strike out the following words: "To have erected a conservatory not to exceed in cost the sum of ten thousand dollars."

Also, in line fourteen, section two, of printed bill, strike out the following words: "To have an ornamental stand erected in front of the Capitol."

Also, in first line, section two, printed bill, strike out the word "fifty-two" and insert the word "forty." In same line strike out the word "seven" and insert the word "two."

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 106—An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards.

MOTION.

Mr. Campbell moved to strike out the enacting clause.

Mr. Campbell's motion was carried by the following vote :

AYES—Messrs. Boggs, Briceland, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Jones, McComas, McGowan, Mead, Preston, Roth, Sprague, White, Wilson, and Yell—22.

NOES—Messrs. Banks, Britt, Caminetti, Hamill, and Welch—5.

Mr. White explained his vote as follows : I vote "aye" because the bill seeks to confer upon whoever may be Labor Commissioner the power, without hearing or legal trial, to condemn and thereby destroy the use of property, and makes it criminal to decline obedience to the order of such Commissioner, who is not required to have any technical or other knowledge of the subject upon which he is called to give final judgment.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on Engrossed Bills begs leave to report that the following Senate Bill has been correctly reengrossed: Senate Bill No. 28.

HAMILL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 67—An Act to amend section two hundred and sixty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing for the punishment of seduction accomplished by false representations and pretenses, or other fraudulent means.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—27.

NOES—None.

Title read and approved.

Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McGowan, Moffitt, Preston, Roth, Sprague, White, Wilson, and Yell—25.

NOES—Messrs. Mead and Welch—2.

Title read and approved.

SECOND READING OF BILLS.

Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Committee amendments :

Amend section two of printed bill by striking out the word "fifty" where it occurs in line fourteen, and inserting in lieu thereof the words "seventy-five."

Adopted by the following vote :

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, White, and Wilson—24.

NOES—Messrs. Conklin, Crandall, and Yell—3.

Amend section three of printed bill by striking out the letter "s" at the end of the word "sections," and the words "seven and" following.

Adopted.

Further amend section three of printed bill by striking out the word "are" and inserting the word "is."

Adopted.

Insert after section three the following :

Sec. 4. Section seven of said Act is hereby amended to read as follows :

Section 7. The said Board, and in case of necessity during the recess of the Board, the said Clerk of the Publishing and Quarantine Bureau, may appoint such Quarantine Guardians as may be needed to carry out the provisions of this Act, whose duties it shall be to see that the regulations of the Board and the instructions of the Clerk of the Publishing and Quarantine Bureau are enforced and carried out. Said Clerk may appoint, in case of emergency, a deputy, who shall have the same power as his own, whose salary shall not exceed three dollars per day for each day's services performed, said services to be paid for by the State Board of Horticulture. The said Quarantine Guardians shall report to said Clerk, or to the State Board, all infractions or violations of said directions, regulations, and of the law in regard to quarantine disinfection and destruction of insect and other pests injurious to fruit, fruit trees, or vines, and precautions against the spreading of all the aforesaid named pests and diseases. The salary of Quarantine Guardians shall not exceed three dollars per day, and shall be paid by the owners of orchards and other places and localities under quarantine regulations; and they may maintain an action therefor before any Justice of the Peace in any township in which any quarantined locality is wholly or in part situated; but in no case shall they have any claim upon the State for such services.

Adopted.

Amend section four of printed bill by striking out the figure "4" after the word "section," and inserting in lieu thereof the figure "5."

Adopted.

Further amend said section by striking out of line fourteen the word "two," and inserting in lieu thereof the word "one," and by inserting after the word "hundred" the words "and seventy-five."

Adopted.

Amend section five of printed bill by striking out the figure "5" after the word "section," and inserting in lieu thereof the figure "6."

Adopted.

Amend section six of printed bill by striking out the figure "6" after the word "section," and inserting in lieu thereof the figure "7."

Adopted.

Amend section seven of printed bill by striking out the figure "7" after the word "section," and inserting in lieu thereof the figure "8."

Adopted.

Amend section eight of printed bill by striking out the figure "8" after the word "section," and inserting in lieu thereof the figure "9."

Adopted.

Amend section nine of printed bill by striking out the figure "9" after the word "section," and inserting in lieu thereof the figures "10."

Adopted.

Amend section ten of printed bill by striking out the figures "10" after the word "section," and inserting in lieu thereof the figures "11."

Adopted.

Amend section eleven of printed bill by striking out the figures "11," after the word "section," and inserting in lieu thereof the figures "12."

Adopted.

Amend the title of the printed bill by inserting between the figures "6" and "8," in line two, the figure "7."

Adopted.

Further amend said title by striking out the letter "s" from the word "sections," in line eight, and also striking out the words "seven and," following.

Adopted.

Mr. Yell moved to strike out all after the word "month," in line fourteen, page three, section five, of printed bill.

Amendment lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Crandall, Goucher, Hamill, Jones, Mead, Meany, Welch, White, and Yell—12.

NOES—Messrs. Banks, Conklin, De Long, Dixon, Dray, Flint, Fraser, Greely, McGowan, Moffitt, Preston, Roth, and Sprague—13.

Mr. Caminetti moved to strike out the whole of section ten.

Lost.

Mr. Caminetti moved to strike out the word "one" and insert the word "ten" in lieu thereof, in line ten, page four, in section ten of the printed bill.

Lost.

The bill, as amended by the committee, was ordered engrossed and to a third reading.

Senate Bill No. 49—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Passed on file.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Placed at the foot of second reading file.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Passed on file, but to retain its place on second reading file.

Senate Bill No. 68—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one thereof, two new sections, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Read second time, and ordered engrossed and to third reading.

Senate Bill No. 69—An Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the female seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Read second time.

The committee recommended the following amendments:

In title, strike out the words "the party" after the words "the evidence of" and before the word "seduce," and insert in lieu thereof the words "the female."

Adopted.

Also, add to said bill, as printed, by inserting after line seventeen, page two thereof, the following: "And such other evidence must of itself, without the testimony of said female, tend to establish the making of the promise mentioned in said section two hundred and sixty-eight, and that the defendant has had sexual intercourse with said female as stated in said section."

Adopted.

Mr. Crandall moved that the word "section" before the figures "1110" be stricken out.

Lost.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 70—An Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872.

Read second time, ordered engrossed and to third reading.

Senate Bill No. 74—An Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the inauguration of criminal prosecutions before a magistrate.

The committee recommended the following amendments:

In line six thereof, before the word "commission," strike out the word "a," and insert the word "the."

Adopted.

Also, in line twenty-four, page two, strike out the word "information," and insert the word "complaint."

Adopted.

Also, in section eight hundred and thirteen of bill, after the words "is reasonable ground," and before the words "that the defendant," strike out the words "and belief," and insert in lieu thereof the words "to believe."

Adopted.

Mr. Jones moved to strike out from line sixteen the words "and belief," and insert in lieu thereof "to believe."

Adopted.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Bill read second time.

The committee recommended the following amendment to the bill:

In line seven, after the word "without," insert the words "a valuable."

Adopted.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 110—An Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty and relating to transfers of property without consideration.

Bill read second time, and the committee recommended the following amendments:

In title strike out the figure "1" after the word "March," and insert in lieu thereof the figures "21."

Adopted.

Also, in section one of bill, in line three, after the word "March," strike out the figure "1," and insert in lieu thereof the figures "21."

Adopted.

Strike out the word "one," in line six, and insert the word "three" in lieu thereof.

Adopted.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 21—An Act to repeal sections one thousand three hundred and fifty-two and one thousand three hundred and seventy, and to amend section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 47—An Act to add a new section to the Political Code, to be known as section one thousand eight hundred and eighty-nine, relating to the cancellation of school district bonds.

Bill read second time, ordered engrossed and to third reading.

Mr. Goucher in the chair.

Senate Bill No. 72—An Act to amend section eight hundred and two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the time within which informations may be filed and indictments found.

Bill read second time.

Mr. White in the chair.

Bill ordered engrossed and to third reading.

Senate Bill No. 145—An Act to amend an Act to establish a Civil Code, approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Mr. Crandall moved to renumber the sections, and that the word and figure "section 2" be stricken out; also, on page two, section three, the figure "2" be substituted for the figure "3;" also that "section 4" be made to read "section 3."

Adopted.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 76—An Act to amend section one thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duty of the Court in probate cases to make provision for the family of the decedent, and set apart the property of the decedent, when the inventory shows the value of the estate not to exceed one thousand five hundred dollars, and to provide for the vesting of the title of the property so set apart.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 77—An Act to amend sections one thousand two hundred and thirty-five and one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court in criminal cases, and relating to the cases where such appeals may be taken.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 80—An Act to amend section one thousand one hundred and sixty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to unlawful detainer, and the remedies therefor.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Read second time, ordered engrossed and to third reading.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Passed on file.

Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES.

By Mr. Mead: Senate Concurrent Resolution No. 11—Requesting our Representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the Sacramento and Feather Rivers, in California, from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

Referred to Committee on Mines, Drainage, and Mining Debris.

By Mr. McGowan: Senate Concurrent Resolution No. 12—Relative to the matter of the payment of Indian depredation claims.

Referred to Committee on Federal Relations.

By Mr. Wilson: Senate Concurrent Resolution No. 13—Relating to the defense of our seacoast and maritime interests.

Referred to Committee on Harbors, Rivers, and Coast Defenses.

Mr. Moffitt offered the following resolution, which was referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That Laura Walton be and is hereby paid out of the Contingent Fund of the Senate the sum of sixty-eight dollars for services as Janitress from January tenth to January twenty-sixth; and be it further

Resolved, That the office of Assistant Postmistress is hereby abolished; and be it further

Resolved, That Laura Walton is hereby appointed and elected Janitress of the Senate at a per diem of seven dollars, commencing on January 27, 1888, the same to be paid out of the Contingent Fund of the Senate.

By Mr. Caminetti: Senate Concurrent Resolution No. 14—Relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

Referred to Committee on Agriculture.

Upon motion of Mr. Yell, one hundred and fifty additional copies of the following bills were ordered printed: Senate Bills Nos. 45, 30, 102, 127, 128, 113, 135, 141, 142, and 151.

MESSAGE FROM THE ASSEMBLY.

Mr. Meany moved to take up Assembly messages.
So ordered.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 1—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

MOTIONS.

Mr. Jones moved that Senate Bill No. 314 be re-referred—taking it from the Committee on Judiciary and referring it to Committee on City, City and County, and Town Government.

So ordered.

Mr. Meany moved that Assembly Bill No. 1 be read first time.

Mr. Caminetti objected, whereupon the Chair announced the regular order of business.

Mr. Meany moved to suspend the rules, and that Assembly Bill No. 1 be read the first time.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 1—An Act to appropriate money to pay the claim of N. P. Perine, for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Mr. Meany moved to substitute Assembly Bill No. 1 for Senate Bill No. 49, and that it take the place of Senate Bill No. 49 on the file.

So ordered.

ADJOURNMENT.

Upon motion of Mr. Jones, the Senate adjourned at five o'clock and fifteen minutes P. M.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 29, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Messrs. Dargie and Williams were granted one day's leave of absence.

REPORTS OF STANDING COMMITTEES.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred the following Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the insane asylum at Stockton for the twenty-fifth fiscal year.

Also: Senate Bill No. 357—An Act to authorize the payment of claims against the State which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

EXPENSE REPORT OF THE HOSPITAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on State Hospitals and Asylums respectfully report the number of miles traveled by each member of said committee during their visit to the charitable institutions receiving State aid, located in Santa Clara County, California:

Senator Bowers (whole number of miles, 310).....	\$31 10
Senator Dixon (whole number of miles, 310).....	31 10
Senator Roth (whole number of miles, 310).....	31 10
Senator Crandall (whole number of miles, 310).....	31 10
Senator Byrnes (whole number of miles, including San Rafael, 334).....	33 34
Senator Brice land (whole number of miles, 310).....	31 10
Senator Mead (whole number of miles, including San Rafael, 334).....	33 34
Clerk (whole number of miles, 310).....	31 10

BRICELAND, Chairman State Hospital Committee.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON FINANCE.

By Mr. Murphy (at request of Mr. Moffitt):

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California known as the Adult Blind Fund, Unavailable.

Also, Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Also, Senate Bill No. 205—An Act to amend "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 123—An Act to amend section two thousand six hundred and forty-three of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision over the roads within their respective counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 249—An Act to amend section twenty-six hundred and forty-five (2645) of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by a majority vote of the committee.

ROTH, Chairman.

MESSAGES FROM THE GOVERNOR.

Messages from the Governor were received and disposed of as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 28, 1889. }

To the Senate of the State of California: I herewith transmit your honorable body the information desired, as expressed in Senate resolution passed January 18, 1889, relative to the cost of text-books.

R. W. WATERMAN, Governor.

Report referred to the Committee on Education.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, JANUARY 28, 1889. }

To the Senate of the State of California: I respectfully ask permission of your honorable body to withdraw the name of E. F. Delger, as a Director of the California Hospital for the Chronic Insane, as since his appointment was transmitted to your honorable body he has filed a resignation of the same in this office.

R. W. WATERMAN, Governor.

MOTION.

Mr. Jones moved that the Governor's message relative to the appointment of V. Koch, vice E. F. Delger, as Director of the Hospital of Chronic Insane, be made the special order for Thursday, at three o'clock P. M., in conjunction with other appointments of the Governor.

So ordered.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, receded from its amendments to Senate Bill No. 1—An Act to pay the claim for the expenses of the funeral of Governor Washington Bartlett.

Also, adopted Assembly Joint Resolution No. 4—Relative to the charter of the City of Stockton.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Senate Bill No. 1—An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett—ordered to enrollment.

MOTIONS.

Mr. Langford moved that Assembly Joint Resolution No. 4—Relative to the charter of the City of Stockton—be made the special order for Tuesday next, at three o'clock P. M.

Mr. Goucher moved an amendment that the same be referred to the Committee on Judiciary, with instructions to report at the hour named in Mr. Langford's motion.

Lost.

The question recurring upon Mr. Langford's motion, the same was carried.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was received and referred to Committee on Federal Relations:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 6—Relative to establishing a government arsenal and gun factory.

E. E. LEAKE, Chief Clerk.
By C. H. CONNELL, Assistant.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Langford: Senate Bill No. 390—An Act providing for the appointment of a commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Referred to Committee on Agriculture.

By Mr. Bowers: Senate Bill No. 391—An Act establishing a Board of Pilot Commissioners, and providing pilot regulations for the Bay of San Diego.

Referred to Committee on Harbors, Rivers, and Coast Defenses.

By Mr. Wilson (by request): Senate Bill No. 392—An Act to pay the claim of James W. Rankin for services in the office of the State Treasurer of California.

Referred to Committee on Claims.

Also (by request): Senate Bill No. 393—An Act to prevent the mutilation, obliteration, or removal of marks, brands, stamps, or other impressions made or placed upon specific articles of personal property, for the purpose of showing that the same have been conditionally sold on lease.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 394—An Act concerning conditional sales, leases, bailments, and other transfers of personal property and the filing of contracts for the same.

Referred to Committee on Judiciary.

By Mr. Spellacy: Senate Bill No. 395—An Act to regulate the manufacture of canned goods, to provide for the inspection of the same, and to compel the stamping thereon of the place and date of canning, and to provide a penalty.

Referred to Committee on Judiciary.

Also (by request): Senate Bill No. 396—An Act to appropriate money to pay the claim of Max Gumpel for services rendered to the State as an expert during the trial of John S. Gray.

Referred to Committee on Claims.

Also: Senate Bill No. 397—An Act to prohibit the issuance of licenses in the several counties and cities and counties in the State of California to persons ineligible to citizenship in the United States.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Briceland: Senate Bill No. 398—An Act to repeal an Act entitled "An Act to declare the Klamath River navigable."

Referred to Committee on Commerce and Navigation.

By Mr. Caminetti: Senate Bill No. 399—An Act to enable women to vote at elections for school officers and in matters pertaining solely to schools, and to qualify them to hold all educational offices.

Referred to Committee on Education.

By Mr. McComas: Senate Bill No. 400—An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.

Referred to Committee on Military Affairs.

By Mr. Crandall: Senate Bill No. 401—An Act to enable persons elected to the office of County Clerk, who have failed to take and file the oath of office, to take such oath of office, and to extend the time therefor, and to validate the acts of such persons.

Referred to Committee on Judiciary.

By Mr. Preston: Senate Bill No. 402—An Act to establish a State Reform School, and to provide for the maintenance and management of the same.

Referred to Committee on State Prison and Prison Buildings.

By Mr. Goucher: Senate Bill No. 403—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Referred to Committee on Banks and Banking.

Also: Senate Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section two hundred and six thereof.

Referred to Committee on Counties, County Government, and Township Organization.

Also: Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Referred to Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove.

By Mr. McGowan: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to the obligations of coterminous owners, and the construction and maintenance of division fences.

Referred to Committee on Agriculture.

By Mr. White: Senate Bill No. 407—An Act to amend section four hundred and ninety of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of taking appeals, and providing when an appeal may be taken by giving notice thereof, and repealing section four hundred and ninety-one of said Code.

Referred to Committee on Judiciary.

Also: Senate Bill No. 408—An Act to amend sections one hundred and twenty-four, one hundred and twenty-five, and one hundred and twenty-six of an Act entitled "An Act to establish a uniform system of township and county governments," approved March 14, 1883, relating to the duties of County Recorders, and the books and records to be kept by such Recorders, and providing for a systematic classification of the records and documents in the custody of such Recorders.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 409—An Act to pay the claim of Jerome Deasy for moneys expended for the extradition of Alexander Penfield Clark.

Referred to Committee on Finance.

THIRD READING OF BILLS.

The order of third reading of bills was called by the Chair.

There being no bills reported from the Engrossing Committee, Mr. Wilson moved that a special committee of three be appointed to investigate and report upon the supposed dilatory action of the Engrossing Clerk.

So ordered.

The Chair appointed Messrs. Wilson, Jones, and Murphy.
 Mr. Bowers moved to take up second reading of bills.
 Mr. Yell moved to amend by taking up first reading of bills.
 So ordered.

GENERAL FILE—FIRST READING OF BILLS.

The following bills were severally read for the first time:

Senate Bill No. 286—An Act to amend section one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court, with relation to the testimony taken and filed in divorce cases.

Also, Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor.

Also, Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury, into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Also, Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Also, Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Also, Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard, for thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Also, Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

Also, Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 90—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of the public health and safety and registration of births, deaths, and marriages.

Also, Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Also, Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

Also, Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Also, Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Also, Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Also, Senate Bill No. 287—An Act to provide for fitting up in the basement of the State Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Also, Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Also, Senate Bill No. 87—An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Also, Senate Bill No. 144—An Act to appropriate money for the completion and furnishing of the building of the Northern Branch State Normal School at Chico.

Also, Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Also, Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Also, Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced concerning real estate in the territory taken from those counties and added to that of the County of San Benito, by Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the County of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

Also, Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

Also, Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Also, Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Also, Senate Bill No. 174—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place of trial.

Also, Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Also, Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to legal holidays.

Also, Senate Bill No. 105—An Act relating to the trial of actions for divorce.

Also, Senate Bill No. 265—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Also, Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Also, Senate Bill No. 330—An Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876.

Also, Senate Bill No. 13—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Also, Senate Bill No. 152—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, and to add a new section thereto, to be known as section one thousand six hundred and fifty-four, relative to the rendering, filing, hearing, and settling final accounts of deceased executors and administrators.

Also, Senate Bill No. 224—An Act to amend section three hundred and sixty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also, Senate Bill No. 258—An Act to add a new section to the Penal Code, to be known as section one thousand six hundred and fifteen, to protect the registration of thoroughbred cattle and other domestic animals.

Also, Senate Bill No. 185—An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman by the State Board of Examiners, and to appropriate money therefor.

Also, Senate Bill No. 175—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Also, Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Also, Senate Bill No. 332—An Act to appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act.

Also, Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed by the Branch State Prison at Folsom.

Also, Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School.

Also, Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

Also, Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Also, Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Also, Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Also, Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Also, Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberger.

Also, Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Also, Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Also, Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Also, Senate Bill No. 236—An Act making an appropriation to reimburse the Japanese Government for money in the capture and extradition of Calvin Pratt, a fugitive from justice of this State.

Also, Senate Bill No. 237—An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners.

Also, Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Mr. McGowan moved that the hour of recess be extended until the completion of the first reading file.

So ordered.

Also, Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Also, Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Also, Senate Bill No. 161—An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.

Also, Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Also, Senate Bill No. 276—An Act to amend section four hundred and ninety-three of the Penal Code of the State of California, relating to dogs and the larceny thereof.

Also, Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Also, Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Also, Senate Bill No. 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Also, Senate Bill No. 253—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Also, Senate Bill No. 244—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Also, Senate Bill No. 88—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Also, Senate Bill No. 93—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies and preservation of the public health.

Also, Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State asylums for the insane, and for the control and management of a resulting contingent fund.

Also, Senate Bill No. 124—An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Also, Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents, to pay the salary of the Commissioner of Immigration from October 10, 1885, to January 1, 1889.

Also, Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Also, Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Also, Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.

Also, Assembly Bill No. 26—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Also, Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Also, Senate Bill No. 23—An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

Also, Senate Bill No. 154—An Act authorizing the formation of township mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Also, Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employés, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Also, Senate Bill No. 340—An Act entitled an Act to amend section three hundred and eighty-five of the Political Code of the State of California, relating to the salary of the Private Secretary of the Governor.

Also, Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities and towns, and to the inhabitants thereof.

The following bills were withdrawn:

By Mr. Jones: Senate Bill No. 40—An Act to amend section six hundred and thirty-five of the Penal Code, relating to violations of the law for the preservation of fish.

By Mr. Caminetti: Senate Bill No. 177—An Act to amend section two thousand six hundred and fifty-five, and to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes.

By Mr. Briceland: Senate Bill No. 94—An Act entitled an Act to amend the Political Code of the State of California, by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto.

By Mr. Campbell: Senate Bill No. 166—An Act to fix the salaries of the Superior Court Judges and provide the time of payment.

By Mr. Caminetti: Senate Bill No. 19—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section two thousand and eighty, relating to the impeachment of witnesses.

By Mr. Wilson: Senate Bill No. 254—An Act entitled an Act to prevent persons entering upon lands of another in the State of California, for the purpose of shooting, or hunting, or fishing, or discharging firearms, or lighting camp fires thereon.

Upon motion of Mr. Wilson, Senate Bill No. 254 was re-referred to the Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 29—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts.

Also, Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and to cases where corporations shall be deemed to have forfeited the right to exercise corporate power, and providing that such forfeiture may be shown collaterally.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also, Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of, and fixing the salary of a Clerk for the Attorney-General, and to appropriate money for the payment of the salary.

Also, Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Also, Senate Bill No. 300—An Act to appropriate money to pay the salary of a Clerk for the Register of the State Land Office and of a Clerk for the Secretary of State, for the fortieth fiscal year.

Also, Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand

nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

We have also had under consideration Senate Bill No. 19—An Act to add a new section to the Code of Civil Procedure, to be known and designated as two thousand and eighty, relating to the impeachment of witnesses.

Also, Senate Bill No. 32—An Act to provide for the resignation or removal of judicial officers in this State in certain cases, and to provide for the compensation of persons who may resign or be removed from a judicial office, as herein provided, for the balance of the term for which such person or persons may have been elected or appointed.

And respectfully report the same back without recommendation.

We have also had under consideration Senate Bill No. 97—An Act to repeal section three hundred and twenty-eight of the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 337—An Act to amend subdivision seven of section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the registration of electors.

Also, Senate Bill No. 338—An Act relating to aliens owning real estate in this State.

Also, Senate Bill No. 339—An Act relating to aliens doing business in the State of California.

And respectfully report the same back, and recommend that they do not pass.

We have also had under consideration Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Also, Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Also, Senate Bill No. 223—An Act to amend section one thousand six hundred and fifty-eight of the Code of Civil Procedure of the State of California, and to add two new sections, one thousand seven hundred and two, and one thousand seven hundred and three, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of Probate.

And respectfully report the same back, and recommend that they do pass as amended.

We have also had under consideration Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton—and respectfully report the same back with a substitute therefor, and recommend that the substitute do pass.

JONES, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Engrossed Bills does hereby report back Senate Bills Nos. 145, 111, 21, 69, 68, 74, 27, 65, 76, 72, 47, 70, and 77 as being properly engrossed.

HAMILL, Chairman.

RECESS.

At twelve o'clock and forty minutes, the Senate took a recess until two o'clock P. M.

REASSEMBLED.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, and Wilson.

Quorum present.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Passed until printed.

Senate Bill No. 68—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter I, Title IX, Part I, thereof, two new sections, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Greely, Hamill, Jones, Langford, McGowan, McDonald, McGowan, Mead, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, White, and Wilson—28.

NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT.

The following report was received from Committee on Engrossment :

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 80, 110, and 113.

HAMILL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 69—An Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the female seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Passed on file.

Senate Bill No. 70—An Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872.

Passed on file.

Senate Bill No. 74—An Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the inauguration of criminal prosecutions before a magistrate.

Passed on file.

Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Passed on file.

Senate Bill No. 110—An Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty and relating to transfers of property without consideration.

Passed on file.

Senate Bill No. 21—An Act to repeal sections one thousand three hundred and fifty-two and one thousand three hundred and seventy, and to amend section one thousand seven hundred and fifty-one of an Act en-

titled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, and White—29.

NOES—None.

Title read and approved.

Senate Bill No. 47—An Act to add a new section to the Political Code, to be known as section one thousand eight hundred and eighty-nine, relating to the cancellation of school district bonds.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, Mead, Moffitt, Pinder, Preston, Roth, Sprague, Welch, and White—25.

NOES—None.

Title read and approved.

SPECIAL ORDER.

The hour calling for special order of Senate Constitutional Amendment No. 2 having arrived, the same was, upon motion of Mr. Dray, postponed until February fifth, at two o'clock and fifteen minutes p. m.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 72—An Act to amend section eight hundred and two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the time within which informations may be filed and indictments found.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 145—An Act to amend an Act to establish a Civil Code, approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Bill read third time.

Mr. Jones moved that the bill be referred to a special committee, to amend, first, in the title by striking out the figures "1882" and inserting "1872" in lieu thereof.

Adopted.

Also, in line five, section two, after the word "incorporation," insert the words "as the county."

The committee reported the bill amended according to the motion.

Adopted.

Bill ordered reprinted as amended, and to retain its place on file.

Senate Bill No. 76—An Act to amend section one thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duty of the Court in probate cases to make provision for the family of the decedent, and to set apart the property of the decedent when the inventory shows

the value of the estate not to exceed one thousand and five hundred dollars, and to provide for the vesting of the title of the property so set apart.
Bill read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, McComas, McGowan, Mead, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—27.
NOES—None.

Title read and approved.

Senate Bill No. 77—An Act to amend sections one thousand two hundred and thirty-five and one thousand two hundred and thirty-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to appeals to the Supreme Court in criminal cases, and relating to the cases where such appeals may be taken.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, McComas, McGowan, Mead, Preston, Roth, Sprague, Welch, White, and Yell—26.
NOES—None.

Title read and approved.

Senate Bill No. 80—An Act to amend section one thousand one hundred and sixty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to unlawful detainer, and the remedies therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—29.
NOES—None.

Title read and approved.

Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the Decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Roth, Spellacy, Sprague, White, Wilson, and Yell—29.
NOES—None.

Title read and approved.

Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

Bill read third time, and passed by the following vote :

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Roth, Spellacy, Sprague, White, Wilson, and Yell—29.
NOES—None.

Title read and approved.

CALL OF SENATE.

Mr. Yell moved a call of the Senate.

So ordered.

Upon the roll call—on the order of the call of the Senate—the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goncher, Greely, Hamill, Hearcock, Hinshaw, Jones, Langford, McComas, McDonald, McIowan, Mead, Meany, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Moffitt at the bar of the Senate.

Mr. Jones moved that he be excused.

So ordered.

The Sergeant-at-Arms reported Messrs. Welch, Murphy, Preston, and Dixon at the bar of the Senate.

Mr. Moffitt moved to excuse the Senators.

The motion of call of the Senate was dispensed with, and the Chair announced the

SPECIAL ORDER.

Senate Concurrent Resolution No. 4—Requesting the Congress of the United States to maintain the Scott Exclusion Act, and recommending additional legislation to perfect the operation of the same—as follows:

Senate Concurrent Resolution No. 4. Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress, entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relating to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective. Be it remembered, that,

WHEREAS, It has been asserted, and claimed, that the passage of said Act by the Fiftieth Congress of the United States, and the approval thereof by the President, has caused dissatisfaction among the people of the State of California; and, whereas, it is not true that the said Act, or its passage by Congress, or its approval by the President, has caused any dissatisfaction whatever among the citizens of this State, but, on the contrary, has at all times met with their warm approbation; and, whereas, to the people of the State of California said Act is a boon almost as deeply prized as was the Declaration of Independence to the original thirteen States of the Union; now, therefore, that the sentiment of the people of the State of California may not be misrepresented or misunderstood, be it

Resolved, That the Senate and Assembly of said State, duly convened, hereby place the seal of approval on the action of the Congress of the United States and the President thereof, in granting by the provisions of said Act the relief so long and earnestly sought by the entire population of the State; and be it further

Resolved, That never at any time since first they sought the inhibition of Chinese immigration have our citizens faltered for a moment in their resolution to first obtain and then maintain the exclusion from our shores of a people detrimental to our country, and a menace to its prosperity; and be it further

Resolved, That an experience of forty years has proven to our people, beyond the power of all argument to dispel, that the proffer to the people of China of the rights and privileges of the most favored nations is a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizens of the Republic; and be it further

Resolved, That the Senate and Assembly of the State of California recommend to the Congress of the United States and the President of the Republic the passage of such wise laws, the perfection of such additional legislation, and the making of such treaties as will best secure the enforcement of said Act, and effectually prevent the evasion thereof; and be it further

Resolved, That the Executive of our State, his Excellency the Governor, be and he is hereby authorized to forward by telegraph a copy of these resolutions to each of our Senators and Representatives at Washington, who are by these resolutions requested to present the same to Congress at such time as in their good judgment may best secure the due and favorable consideration thereof.

The Assembly substitute was read, and the question being: "Shall the Senate concur in the Assembly substitute?"

Mr. Yell moved that the Senate do not concur in the substitute.

Thereupon, by vote, the Senate refused to concur in the Assembly substitute.

SECOND READING OF BILLS.

Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and to appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Mr. De Long offered the following amendment to the title:

An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Adopted.

The bill was ordered engrossed and printed as amended in title.

Assembly Bill No. 1—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Bill ordered to a third reading.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

LEAVE OF ABSENCE.

Mr. Goucher asked leave of absence for Mr. Langford on account of illness.

Granted.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called upon the call of the Senate, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

So ordered.

SECOND READING OF BILLS—(RESUMED).

The question recurred upon the consideration of Senate Bill No. 98, on second reading, which was amended as follows, by Mr. Caminetti:

Insert the words "for cause" after the word "removed," in line four, page one.

Adopted.

Also, insert before the word "vote" in line four, page one, the word "majority."
Also, strike out the word "unanimous" in line four.

Adopted.

Also, strike out all of section one after the word "Trustees," in line four, page one.

Adopted.

Mr. Bowers moved to amend section one by adding the following:

Provided, that nothing contained in this Act shall be held to apply to any person holding the office of State Librarian at the date of the passage of this Act.

Adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Goucher, Hamill, Hinshaw, Jones, McComas, McDonald, Moffitt, Murphy, Preston, Spellacy, Welch, White, and Yell—22.

NOES—Messrs. Banks, Boggs, Campbell, DeLong, Flint, Fraser, Greely, McGowan, Mead, Roth, Sprague, and Wilson—12.

Bill ordered engrossed and to third reading.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Passed on file.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Passed on file.

MOTIONS, NOTICES, AND RESOLUTIONS.

Resolution by Mr. Goucher:

Resolved, That Senate Bill No. 332—Entitled "An Act to appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act—presents a case of urgency as contemplated by section fifteen of article four of the Constitution of California, and that the provisions of said section requiring bills to be read on three several days be dispensed with, and that in addition to the first reading already given to said bill this day, the said bill be on this day read for the second and the third times and put upon its final passage.

Mr. Goucher moved a call of the Senate.

So ordered.

Upon roll-call the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Mr. Jones moved that further proceedings under the call of the Senate be dispensed with.

Lost.

The Sergeant-at-Arms reported Mr. Meany at the bar of the Senate.

Mr. Fraser moved to excuse Mr. Meany.

So ordered.

Whereupon further proceedings under call of the Senate was dispensed with.

The question recurring upon Mr. Goucher's resolution, the same was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, and Wilson—30.

NOES—Messrs. Conklin, McDonald, and Yell—3.

Mr. White declined to vote.

THIRD READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—33.

NOES—None.

Title read and approved.

RESOLUTION.

Mr. Moffitt offered the following resolution, which was adopted:

Resolved, That the resolution adopted by this Senate on the twenty-second day of January, 1889, relating to the stationery, postage, and contingent expenses of the members of this Senate and the Sergeant-at-Arms, be and the same is hereby rescinded, so far as the same applies to the stationery and contingent expenses of the Sergeant-at-Arms.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Fraser: Senate Bill No. 410—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Bowers: Senate Bill No. 411—An Act to increase the number of Judges of the Superior Court of the County of San Bernardino, State of California, and for the appointment of such additional Judge.

Referred to Committee on Judiciary.

By Mr. McDonald: Senate Bill No. 412—An Act to define and regulate the duties and obligations of master and apprentice.

Referred to Committee on Labor and Capital.

By Mr. Moffitt: Senate Bill No. 413—An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

Referred to Committee on Finance.

Also: Senate Bill No. 414—An Act making appropriations for the payment of the deficiencies in the appropriations made by an Act entitled "An Act making appropriations for the support of the government of the State of California for the thirty-seventh and thirty-eighth fiscal years." approved March 18, 1887.

Referred to Committee on Finance.

By Mr. Pinder: Senate Bill No. 415—An Act to pay the claim of D. Albergi.

Referred to Committee on Finance.

REPORT OF STANDING COMMITTEE.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 25, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Also, Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

SPELLACY, Chairman.

RESOLUTION.

The following resolution was offered by Mr. Caminetti:

Resolved, That the Sergeant-at-Arms of the Senate be instructed to purchase two tables for the use of press representatives, payable out of the Contingent Fund of the Senate.

Adopted.

APPOINTMENT OF COMMITTEE.

The Chair appointed as a committee to inquire into the question of silk culture, Messrs. Briceland, Meany, and Hamill.

Mr. Bowers in the chair.

PREVIOUS QUESTION.

The question recurred upon Senate Bill No. 332.

Mr. Murphy offered the following amendment to section one of Senate Bill No. 332:

Amend section one, in line six of printed bill, by adding after the word "that" the words "the Attorney-General of the State."

Adopted.

Also, by Mr. Murphy:

Add to end of section one of printed bill the following: "Provided, that the Attorney-General shall be paid only fifteen hundred dollars for his expenses."

Adopted.

Also, by Mr. Murphy:

Amend section one, line one of printed bill, by striking out the words "five thousand" and inserting "sixty-five hundred" therefor.

Adopted.

Mr. Yell offered the following amendment:

Strike out, in line six, the name of John F. Swift and insert the name of C. P. Huntington.

Mr. Goucher offered the following amendment to section two:

After the word "warrant" add the following words: "As indicated in section one of this Act."

Adopted.

Mr. Goucher moved the previous question.

Mr. Yell moved that the Senate do now adjourn.

Lost.

Mr. Goucher again moved the previous question.

So ordered.

Mr. Yell's amendment was lost.

The bill, as amended, was ordered engrossed and to a third reading.

Mr. Goucher moved that Senate Bill No. 332 be made the special order for to-morrow, immediately after the first special order.

RESOLUTION.

Mr. De Long offered the following resolution, which was read for information:

Resolved, That this bill shall remain on the third reading file until the parties named either decline or accept the trust imposed upon them, and in case either or both of them decline, then other names shall be substituted before the final passage of the bill. If the Democrat declines, then a Democrat to be named in his place; if a Republican declines, then a Republican to be substituted in his place.

Mr. De Long moved the adoption of the resolution.

POINT OF ORDER.

Mr. Goucher raised the point of order that the resolution of Mr. De Long was out of order, as the bill had been ordered to engrossment and to a third reading.

The Chair sustained the point.

Mr. Meany raised the point of order, that when the resolution was offered it was simply asked to be read for information.

Mr. Britt raised the point of order that discussion was out of order, for the reason that there was no question before the Senate.

The Chair decided the point not well taken.

Mr. Goucher raised the point of order that the resolution was out of order.

The Chair decided the point of order not well taken.

Mr. Caminetti raised the point of order that the Senate, having put this bill under the call of the previous question, nothing is in order except to do that which the law requires the Senate to do in relation to the bill, that is to engross.

ADJOURNMENT.

Pending further discussion, Mr. Mead moved to adjourn.

Thereupon, at six o'clock and twenty-five minutes P. M., the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,
 Wednesday, January 30, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Mr. Wilson asked leave of absence for one half day for Mr. Crandall.
 Granted.

Mr. Dargie was granted leave of absence for the remainder of the week
 Mr. Williams was granted leave of absence for one day.

READING OF JOURNAL.

Journal of yesterday read and approved.

SPECIAL ORDER.

The special order set for immediately after reading of the Journal, consideration of majority and minority reports of the Committee on Hospitals concerning the Home for the Care and Training of the Feeble-Minded, was taken up.

Mr. Mead moved to defer the special order until to-morrow morning, immediately after the order of reports of standing committees.

So ordered.

REPORTS OF STANDING COMMITTEES.

The following report was received from the Committee on Attachés, Contingent Expenses, and Mileage.

Upon motion of Mr. Caminetti, it was ordered spread in full upon to-day's Journal.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of nine dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to H. S. Crocker & Co., for one Journal for the twenty-seventh session, by order of the Secretary of State, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of H. S. Crocker & Co. for said sum.

JANUARY 21, 1889.

Secretary of State to H. S. Crocker & Co.:

March 3, 1887, one six-quire record (Senate)..... \$9 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby authorized to purchase a desk for the use of the Secretary of the Senate, to be paid out of the Fund for Contingent Expenses of the Senate, and the Controller is directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That Laura Walton be and is hereby paid out of the Contingent Fund of the Senate the sum of sixty-eight dollars for services as Janitress from January tenth to January twenty-sixth; and be it further

Resolved, That the office of Assistant Postmistress is hereby abolished; and be it further

Resolved, That Laura Walton is hereby appointed and elected Janitress of the Senate at a per diem of seven dollars, commencing on January 27, 1889, the same to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and that the majority recommend that it be adopted.

Also:

Resolved, That the sum of four hundred and two dollars and twenty-five cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the bill of Bancroft-Whitney Co., for Codes furnished and expressage on same, as per resolution of the Senate and bill annexed.

SACRAMENTO, January 24, 1889.

State of California (Senate) to Bancroft-Whitney Co., Dr.

Forty sets Pocket Codes, as per Senate resolution, at ten dollars per set.....	\$400 00
Expressage.....	2 25

Total.....	\$402 25
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Approved: STEPHEN M. WHITE, President pro tem.

I certify that these have been received, and delivered to Senators who have called for them.

L. M. LANDBOROUGH, State Janitor.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

Also:

Resolved, That the Chairman of Committee on Claims appoint a shorthand reporter when necessary, his pay to be governed by the statutes.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Committee on Judiciary of the Senate be allowed a third clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Committee on Corporations be allowed a second clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

WHEREAS, The duties of the Journal Clerk and his assistants are, and continue to be, from day to day, more and more laborious and arduous; and, whereas, it is to the best interests of this Senate that the force so employed be kept at continuous work, night and day, until the completion of said duties; and, whereas, the force at present thereon employed is entirely inadequate to accomplish the work; therefore, be it

Resolved, That J. A. Ford be and he hereby is appointed an Assistant Journal Clerk, at the same per diem as Journal Clerk, the said per diem to be payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred the following Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any District Agricultural Society, can be drawn from the State Treasury—have had the same under consideration, and respectfully report the same back without recommendation.

DIXON, Chairman.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill No. 289—An Act to provide funds for the erection and maintenance of State waterworks.

Also, Senate Bill No. 290—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses.

Also, Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Also, Senate Bill No. 356—An Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigating purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Also, Senate Bill No. 379—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigating purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein.

Also, Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMINETTI, Chairman.

The following expense report was received from the State Prison Committee, and referred to Committee on Attachés, Contingent Expenses, and Mileage:

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings respectfully report the number of miles traveled by each member of said committee during their visit to the State Prison at San Quentin on Saturday, January 26, 1889:

Senator Goucher (whole number miles, 192).....	\$19 20
Senator White (whole number miles, 192).....	19 20
Senator McComas (whole number miles, 192).....	19 20
Senator Caminetti (whole number miles, 192).....	19 20
Senator Hinshaw (whole number miles, 192).....	19 20
Senator Boggs (whole number miles, 192).....	19 20
Senator De Long (whole number miles, 192).....	19 20
Senator Wilson (whole number miles, 192).....	19 20
J. A. Filcher, Clerk (whole number miles, 192).....	19 20

GOUCHER, Chairman.

The following expense report was received from the Committee on Commerce and Navigation, and referred to the Committee on Attachés, Contingent Expenses, and Mileage:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation respectfully report the number of miles traveled by each member of said committee:

Senator Murphy—To San Francisco and return, 168 miles.....	\$16 80
Senator Bowers—To San Francisco and return, 168 miles.....	16 80
Senator Langford—To San Francisco and return, 168 miles.....	16 80
Senator DeLong—To San Francisco and return, 168 miles.....	16 80
Senator Byrnes—To San Francisco and return, 168 miles.....	16 80
Senator Pinder—To San Francisco and return, 168 miles.....	16 80
Senator Spellacy—To San Francisco and return, 168 miles.....	16 80
Clerk David Neagle—To San Francisco and return, 168 miles.....	16 80
Total.....	\$134 40

SPELLACY, Chairman.

The following expense report was received from the Committee on Public Morals, and referred to Committee on Attachés, Contingent Expenses, and Mileage:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Public Morals respectfully report the number of miles traveled by each member of said committee.

Senator Briceland—	
To San Francisco and return, 168 miles.....	\$16 80
To San Quentin and return, 30 miles.....	3 00
Senator Fraser—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Senator Conklin—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Senator Hinshaw—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Clerk James Feehan—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00

SPELLACY, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 332 and 98.

GREELY, Chairman.

REPORT OF SPECIAL COMMITTEE.

To the Senate and Assembly of the State of California:

Your committee, hitherto appointed by a joint resolution of the Senate and Assembly of the State of California, to meet and confer with a like committee appointed by the Legislature of the State of Nevada, respectfully report as follows:

On January 21, 1889, your committee met in Sacramento a delegation from Nevada, headed by the Hon. Ewan Williams, President pro tem. of the Senate of the State of Nevada, and the Hon. Trenmore Collin, Speaker of the Assembly of the State of Nevada, together with Hon. M. D. Foley, R. S. Osbourne, Wm. E. Sharon, J. Ponjole, A. Garrard, Wm. Thompson, A. E. Cheney, L. A. Blakesley, and H. B. Maxon, all members of the Legislature of the State of Nevada, and met in joint conference January 20, 21, and 22, 1889.

This honorable committee stated to the representatives of your honorable body that the object of their visit was twofold:

First, to request the Legislature of this State to enact such amendments to its statute as to prevent the dumping of sawdust into the headwaters of the rivers of the State of Nevada having their sources on the eastern slope of the Sierra Nevada, in the State of California, the result of such action having been to affect the waters of such rivers, upon which the people of Reno and other places of Nevada are dependent for water supply for household purposes, to such an extent as to generally injure the health of the citizens.

These gentlemen claim that the damage done to the people of the State of Nevada is greatly in excess of the proportional benefit to the people of the State of California.

Your committee believe in the correctness of this proposition, and deem it not only a courteous act to a sister State, but in accordance with the dictates of humanity, to pass such legislation as will give adequate relief in this matter.

The second proposition advanced by the representatives of the sister State was that the natural boundary line between the State of Nevada and the State of California was that which would fall upon the summit of the Sierra Nevada; that the territory lying on the

eastern slope of the Sierra Nevada was originally intended to belong to their State; and that the inhabitants who now occupy that territory (being about the same that now compose the Counties of Alpine, Inyo, Mono) would prefer to-day to be annexed to the State of Nevada. That, with that territory within its boundaries, Nevada would be enabled to control from its source the water flowing down the east slope of the mountains, forming the rivers of that State. The control of the water sources and the nature of the country would enable, at a nominal cost, the establishment of great chains of reservoirs, enabling the control of the surplus water, and by such means develop an irrigation system which would make a vast area of unprofitable land capable of production.

They claim that this natural boundary line being established, would add to the comfort and prosperity of the State of Nevada, and that no injury could be done to the State of California, into whose coffers they are continually pouring the wealth resulting from their resources, and that our State would continue to be a receptacle of the increasing wealth.

Your honorable committee reports this matter back without recommendation, believing, at this time, that while there may be some logic in the arguments advanced, yet it is one that requires more careful study and a better knowledge of the general situation than we have now, or may be able to obtain within a reasonable time.

In this connection, and in accordance with a precedent set by the Legislature of the State of Nevada, two (2) years since, in receiving a delegation from the Legislature of the State of California, we deem it as eminently proper, and consistent with the dignity of the State of California, that the guests of our sister State should be received as and be the guests of this State during their sojourn here.

In accordance therewith, we took the liberty of providing for their reception and entertainment here, inviting to participate therein his Excellency R. W. Waterman, Hon. S. M. White, and Hon. Robert Howe—the Governor, Acting Lieutenant Governor, and Speaker of the Assembly of this State; the expenses of which entertainment amount in all to the sum of four hundred and five dollars, an itemized statement of which is in the hands of the Chairmen of your respective committees. And we recommend that one half ($\frac{1}{2}$) of said sum be borne by each House, and a warrant ordered drawn therefor in favor of the Chairman of the Reception Committee, to pay the same out of the Contingent Fund of each House; to be paid to the respective parties in accordance with the statement now in the hands of your committee.

All of which is respectfully submitted.

F. J. MOFFITT, Chairman of Senate Committee.

J. A. HALL, Chairman of Committee of the Assembly.

MESSAGES FROM THE ASSEMBLY.

The following message was received:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 36—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and one half.

Also, Assembly Bill No. 60—An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court for a special Grand Jury.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Assembly Bill No. 36 was referred to the Committee on Counties, County Government, and Township Organization.

Assembly Bill No. 60 was referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees as follows:

By Mr. Bowers: Senate Bill No. 416—An Act providing for the assessment of all real property in the name of the owner as shown by the records of deeds and transfers in the several counties.

Referred to Committee on Judiciary.

By Mr. Goucher: Senate Bill No. 417—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for

the organization and government of irrigation districts and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and assessments of real property, and to the collection of such assessments.

Referred to Committee on Irrigation and Water Rights.

By Mr. Langford: Senate Bill No. 418—An Act to provide for furnishing the boiler-house and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Referred to Committee on Hospitals.

Also, Senate Bill No. 419—An Act to provide for the erection of new buildings and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Referred to Committee on Hospitals.

By Mr. Caminetti (by request): Senate Bill No. 420—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Referred to Committee on Finance.

By Mr. McComas: Senate Bill No. 421—To provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilming-ton and Bay of San Pedro.

Referred to Committee on Commerce and Navigation.

By Mr. Jones: Senate Bill No. 422—An Act making an appropriation for the relief of F. Marion Wells.

Referred to Committee on Claims.

By Mr. Murphy: Senate Bill No. 423—An Act to amend sections two, three, four, five, seven, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, thirty-five, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities."

Referred to Committee on City, City and County, and Town Governments.

By Mr. Bowers (by request): Senate Bill No. 424—An Act to amend section three hundred and eighty-six of the Political Code, relating to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.

Referred to Committee on Finance.

By Mr. Hinshaw: Senate Bill No. 425—An Act to amend section one hundred and sixty-eight of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, March 18, 1885, and as amended March 17, 1887, relating to salaries of officers in counties of the sixth class.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. White (by request): Senate Bill No. 426—An Act to amend section twelve hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Referred to Committee on Judiciary.

Also: Senate Bill No. 427—An Act to amend section fourteen hundred and one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the law of succession regarding community property upon the death of the wife.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 428—An Act to appropriate money to pay for the exhibition of California products at the Paris Exposition, 1889.
Referred to Committee on Finance.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 332—An Act to appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act.

Upon motion of Mr. Murphy, the bill was made the special order for to-day, at two o'clock and fifteen minutes P. M.

Senate Bill No. 69—An Act to amend section one thousand one hundred and ten of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the evidence of the female seduced to be corroborated in all cases arising or prosecuted under the provisions of section two hundred and sixty-eight of said Code.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

Senate Bill No. 70—An Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell—30.

NOES—None.

Title read and approved.

Senate Bill No. 74—An Act to amend sections eight hundred and eleven, eight hundred and twelve, eight hundred and thirteen, and eight hundred and fourteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the inauguration of criminal prosecutions before a magistrate.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, and Yell—28.

NOES—None.

Title read and approved.

Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to husband's control of community property.

Passed on file.

Senate Bill No. 110—An Act to amend section three thousand four hundred and forty-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty and relating to transfers of property without consideration.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, White, and Yell—27.

NOES—None.

Title read and approved.

Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Passed on file.

Assembly Bill No. 1—An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract.

Read third time.

Mr. Meany moved a call of the Senate.

So ordered.

The following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Mr. Meany moved that further proceedings under the call be dispensed with.

So ordered.

Thereupon the roll was called upon passage of Assembly Bill No. 1, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—35.

NOES—Mr. Pinder—1.

Title read and approved.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Passed on file.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the following Senate Bill has been correctly reengrossed: Senate Bill No. 145.

HAMILL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 145—An Act to amend "An Act to establish a Civil Code," approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell—31.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock and thirty minutes, the Senate took the usual recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Greely, Hamill, Hinshaw, Jones, McComas, McDonald, Mead, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Presented by Mr. Pinder:

A REQUEST TO THE SENATE COMMITTEE ON EDUCATION.

SACRAMENTO, January 29, 1889.

To the honorable Members of the Senate Committee on Education:

We, the undersigned, desire to ask your coöperation in the matter of defeating Senate Bill No. 354—Entitled an Act to amend section fifteen hundred and twenty-one of the Political Code.

Among the apparent reasons why we deem it proper to defeat this bill are: That it would result in defeating the will of the people in the matter of publishing a State series of text-books, inasmuch as it would be an entering wedge which would eventually kill the usefulness of the entire State Printing Department.

This bill places no retail price on the publications, and would give the publishers of other States the right to buy the plates without paying a proportion of the cost of plant and labor expended upon said publications.

The publishers would be able to force upon the market books very inferior as regards material and workmanship.

The advertisements allowed would make the cost of the books low enough to enable them to undersell the State and get control of the market, after which the plant of the State would be useless.

The idea of dividing the profits between the whole people would be destroyed, and the labor now receiving fair remuneration for its service would be replaced by cheap labor, which would greatly deteriorate the good quality and substantial features of the binding and other portions of the work.

This bill is identical with Assembly Bill No. 31, which was reported back from the committee with the recommendation that it "do not pass," and was allowed a reading out of courtesy to the author.

After its practical defeat in the Assembly, it was brought before the Senate on January twenty-fourth, the day the Assembly acted upon it.

And we would ask your committee, if you, in your wise judgment, deem it to the best interest of "our State," to report the bill, as your co-workers in the Assembly have done, adversely.

Yours respectfully,

JAS. A. RUTHERFORD,
EMMET PHILLIPS,
THOMAS PERRY,
Committee.

Referred to Committee on Education.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the following Senate Bill has been correctly reëngrossed: Senate Bill No. 113.

HAMILL, Chairman.

THIRD READING OF BILL.

Senate Bill No. 113 having been reported as properly engrossed, the same was taken up.

Senate Bill No. 113—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Sprague, Welch, White, Williams, and Yell—30.

NOES—None.

Title read and approved.

SPECIAL ORDER.

Senate Bill No. 332—An Act to appropriate five thousand dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act.

Bill read the third time.

Mr. Murphy moved to commit the bill to a committee of one, consisting of Mr. Pinder, to amend the title.

So ordered.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Upon roll-call the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

There being four Senators absent without leave, the Sergeant-at-Arms was instructed to secure the absentees and bring them forthwith before the bar of the Senate.

Mr. Meany moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms reported Messrs. Moffitt and Spellacy before the bar of the Senate.

Mr. Dixon moved to excuse Mr. Moffitt.

Lost.

Mr. Yell moved to excuse Mr. Moffitt.

So ordered.

Mr. Moffitt moved to excuse Mr. Spellacy.

So ordered.

Mr. Flint was reported at the bar of the Senate.

He was summarily excused by the Chair.

Thereupon the proceedings under the call of the Senate were dispensed with.

Mr. Goucher in the chair.

SPECIAL ORDER—(RESUMED).

The question recurring upon the passage of Senate Bill No. 332, the same was passed by the following vote :

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Caminetti, Campbell, De Long, Dixon, Dray, Flint, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—29.

NOES—Messrs. Briceland, Conklin, Fraser, Greely, and McDonald—5.

LEAVE OF ABSENCE.

Mr. Jones asked leave of absence for to-morrow.

Granted.

SPECIAL ORDER—(RESUMED).

Mr. Murphy moved to amend the title by striking out the word "five" and inserting the word "six," and also said title by adding after the word "thousand" the words "five hundred."

Adopted.

The title, as amended, was approved.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your special committee, to whom was recommitted Senate Bill No. 332, with instruction to amend the title thereof—have had the same under consideration, and respectfully report the same back, amended according to instructions.

PINDER, Chairman.

Mr. Moffitt asked for and was granted one hour's leave of absence.

Mr. Murphy moved to transmit Senate Bill No. 332 to the Assembly forthwith.

So ordered.

Mr. White in the chair.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Amended as follows, and passed temporarily:

By McComas:

Amend by adding thereto the following: "Provided, that the Governor may appoint and commission Notaries Public as follows: In the County of Los Angeles, not exceeding

seventy-five; in the City and County of San Francisco, not exceeding fifty; in the County of Solano, not exceeding forty."

Adopted.

By Mr. Hamill:

To add a new section, to read as follows:

SEC. 2. The term of office of a Notary Public is four years from and after the date of his commission.

Adopted.

Also:

To amend by adding section three, to read as follows:

SEC. 3. Section seven hundred and ninety-three of the Political Code is hereby repealed.

Adopted.

By Mr. McGowan:

SEC. 4. This Act shall take effect immediately.

Adopted.

Mr. Campbell moved that the number of Notaries in Solano County be limited to forty.

So ordered.

Bill amended in title as follows by Mr. McGowan:

Amend title by adding the words, "and to repeal section seven hundred and ninety-three of said Code, relating to the term of office of Notaries Public."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Amended by Mr. Dray as follows:

After the word "Capitol," in line three, section one, printed bill, insert the word "driveway."

Adopted.

Also, after the word "Capitol," in line five, section one, printed bill, strike out the following words: "And to connect the same by a."

Adopted.

Also, after the word "driveway," in line five, section one, printed bill, strike out the following words: "With the ends of the driveways on," and insert the word "opposite."

Adopted.

Also, after the word "Capitol," in line nine, section one, printed bill, strike out the remainder of said section.

Adopted.

Also, strike out in first line, section two, printed bill, the word "five," and insert the word "three." In second line, after the word "thousand," insert the words "two hundred."

Adopted.

Also, amend title of Senate Bill No. 103 by striking out the words "and driveway."

Adopted.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 286—An Act to amend section one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court, with relation to the testimony taken and filed in divorce cases.

Read a second time, and ordered engrossed and to a third reading.

Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California, at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor.

Amended as follows by Mr. Yell:

Amend section one by inserting in line one, after the word "at," the words "or within three miles of."

Adopted.

Also, amend section thirteen, line one, by striking out the words "the County," and insert the words "a Superior" before the word "Judge."

Adopted.

Also, strike out the words "the Probate," and insert "a Superior," in same line.

Adopted.

Also, amend section fifteen by striking out, in line eighteen, the word "County," and inserting instead the word "Superior," and by striking out, in the same line, the words "and to the Probate Judge in the City and County of San," and, in line nineteen, the word "Francisco," and by striking out, in line twenty, the word "District," and inserting in lieu thereof the word "Superior."

Adopted.

Also, amend section seventeen, line two, by inserting the word "Superior" between the words "the" and "Judges," by striking out, in line five, the word "County," and inserting in lieu thereof the word "Superior," and by striking out, in the same line, the words "or the Probate," and in line six, the words "Judge of the City and County of San Francisco."

Adopted.

Also, amend section eighteen, in line eight, page eight, by striking out the word "is" and inserting in lieu thereof the word "are."

Adopted.

Also, amend section twenty by striking out, in line two, the words "of each asylum."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury, into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Read second time, and ordered engrossed and to a third reading.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners of the Port of Eureka.

Ordered engrossed and to a third reading.

Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Amended as follows by Mr. Yell:

In section two, line fifteen, page two, amend by striking out the word "thereafter," and inserting the word "thereupon" in lieu thereof.

Adopted.

Also, amend the title by inserting in line three thereof, after the word "sections" and before the figures "2026," the figures "1980."

Also, amend title by changing "2026" to "2032."

Adopted.

Also, amend section two by striking out all of lines five, six, seven, eight, and nine.

Adopted.

Also, amend section three by striking out the word "each," in line twelve, and inserting in lieu thereof the word "such."

Adopted.

Also, amend section ten by striking out, in line five, the words "or other competent authority," and inserting in lieu thereof the words "division, brigade, regimental, or battalion Commander."

Adopted.

Also, amend section twelve by striking out the words "twenty-six," in line two, and inserting the words "thirty-two."

Adopted.

Also, amend section fourteen by inserting in line two thereof, before the word "and," the figures "1980," and by inserting in line three thereof the figures "1980," after the word "section" and before the word "each."

Adopted.

Also, amend section fourteen by inserting after the word "organized," in line ten, the words "and there shall be no other signal corps in the National Guard, except as herein provided."

Adopted.

Also, amend section fifteen by striking out in line ten the words "military" and "of the State," and then inserting after the word "appropriations" the words "for that purpose."

Adopted.

Also, amend section fifteen by striking out the word "military," in line twelve.

Adopted.

Also, strike out the words "of the State," in line thirteen, and insert after the word "appropriation," in line thirteen, the words "for that purpose."

Adopted.

Bill ordered engrossed and to a third reading.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Engrossment begs leave to report that the Senate amendments to Assembly Bill No. 4 has been correctly engrossed.

HAMILL, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard, for the thirty-ninth and fortieth fiscal years.

Mr. Caminetti moved to refer the bill to the Committee on Finance.

Upon roll call, the motion was lost by the following vote:

AYES—MESSRS. Byrnes, Caminetti, Campbell, Flint, Fraser, Hinshaw, and Preston—7.
NOES—MESSRS. Banks, Bowers, Briceland, Britt, De Long, Dixon, Dray, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—24.

Bill ordered engrossed and to a third reading.

Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Amended as follows, by Mr. Dray:

Amend section three, printed bill, by adding the following words: "and the State Controller is hereby authorized and directed to draw his warrant for the same, and the State Treasurer to pay it."

Adopted.

Also, amend the title of Senate Bill No. 218 by adding the following words: "and appropriating money therefor."

Adopted.

Bill ordered engrossed and to a third reading.

CALL OF THE SENATE.

Mr. Byrnes moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, De Long, Dixon, Flint, Fraser, Hamill, Hinshaw, McComas, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Yell.

Mr. Conklin was granted leave of absence.

Upon motion of Mr. Yell, further proceedings under the call of the Senate were dispensed with.

Mr. Goucher was granted temporary leave of absence.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

Amended by Mr. Dray, as follows:

In line four of printed bill, strike out the words "one thousand," and insert the words "six hundred" in lieu thereof.

Adopted.

Also, in section two, printed bill, line one, strike out the words "one thousand," and insert the words "six hundred" in lieu thereof.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 90—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of the public health and safety and registration of births, deaths, and marriages.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Referred back to Committee on State Hospitals, to prepare a substitute in accordance with the Code.

ADJOURNMENT.

At five o'clock and ten minutes P. M., upon motion of Mr. Caminetti, the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,)
Thursday, January 31, 1889. }

The Senate met pursuant to adjournment, President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw,

McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of yesterday read and approved.

ANNOUNCEMENT BY THE CHAIR.

The Chair announced that he had a telegram from representative citizens of Marysville, in regard to the London Exhibit, approving of the proposed appropriation to establish an exhibit of California products in London.

Referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

Reports were received from standing committees, as follows:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Concurrent Resolution No. 10—Requesting the Congress of the United States to refuse the Territory of Utah admission as a State in the Federal Union so long as polygamy, or the system of plural marriages, prevails within its boundary—have had the same under consideration, and respectfully report the same back without recommendation.

BRITT, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 241—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Also, Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and powers of Boards of Supervisors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 135—An Act authorizing and empowering the Boards of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner and defining the duties of such Commissioner—have had the same under consideration, and have adopted a substitute, and recommend that the substitute do pass.

HINSHAW, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 64—An Act relating to life and casualty and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance—have had the same under consideration, and have adopted certain amendments thereto, and report the bill back, and recommend that it do pass as amended.

Also, we have had under consideration Senate Bill No. 243—An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance—and respectfully report the same back and recommend that it do not pass.

Also, Senate Bill No. 262—An Act relating to life, casualty, and endowment insurance on the assessment plan, and the conduct of the business of such insurance—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

GOUCHER, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred the following Senate Constitutional Amendment No. 7—A proposed amendment to article nine of the Constitution, relative to a State Board of Education—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also, Senate Bill No. 283—An Act to authorize the Board of Education of cities and counties in this State to sell school lots not necessary or desirable for school purposes.

Also, Senate Bill No. 353—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, to provide for estimating the cost and selling price of the State text-books.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CAMINETTI, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Concurrent Resolution No. 14—Relative to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish agricultural experiment stations"—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also, Senate Bill No. 318—An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DIXON, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 55, 90, 103, 286, 136, 139, 137, 162, 309, and 218.

HAMILL, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 334—An Act to amend section four hundred and sixteen of an Act to establish a Political Code, relating to fees in the Secretary of State's office.

Also, Senate Bill No. 120—An Act making an appropriation for the deficiency in the appropriation for the support of the insane asylum at Stockton, for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Also, Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the expenses of the State Board of Health.

Also, Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company, for merchandise lost in the Bay of San Francisco by falling through a rotten wharf under the control of the Board of State Harbor Commissioners.

Also, Senate Bill No. 319—An Act making an appropriation to pay the claims against the State of California incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 278—An Act to appropriate fifty thousand dollars for the erection of a monument commemorative of the services of Rodman M. Price and to provide for the investment of said sum and the payment of the interest thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MOFFITT, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 33—An Act to declare when a vacancy exists

in any elective or appointive office, Board, or Commission of any county, city, city and county, township, or municipality, and to provide for filling the same—have had the same under consideration, and respectfully report the same back without recommendation.

MOFFITT, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings respectfully submit the following report:

On January twenty-eighth we visited the Branch State Normal School, situated at Los Angeles, and in company with the Principal, Mr. Ira More, made a careful examination of the building and grounds. We found the class rooms and other apartments in good condition and well ventilated, and the sanitary arrangements all that could be desired. The school is situated on a five-acre plot, and contains a spacious playground for the use of children attending the school.

We also find that there is ample room for the erection of two buildings, asked for by the Board of Normal School Trustees, viz.: Manual and gymnasium building and normal boarding hall; we find there is a pressing need for gymnasium, for industrial and physical training; as it is, there is no place for calisthenic exercises, nor any of the necessary paraphernalia for the same.

We further find that a boarding hall would be an important and desirable addition to the school. At present the pupils who do not reside at Los Angeles have to live in neighboring houses, and in many cases are subjected to extortionate charges. This works a hardship upon poorer pupils, and also depriving many worthy scholars of the benefits of said school.

In view of the above facts, your committee respectfully suggests that the appropriation asked for by the Board of Trustees be allowed.

Respectfully,

WILLIAMS, Chairman.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 58—have had the same under consideration, and respectively report the same back, and recommend that it do pass.

SPELLACY, Chairman.

By Mr. Yell (by request):

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Judiciary, having had under consideration Senate Bill No. 141—Entitled an Act to require bonds to be given for costs before issue of summons in actions in damages, and providing that in certain cases summons may issue without bonds being given, and making counties liable for costs in certain cases—respectfully report the same back to the Senate, with the recommendation that it do not pass.

Your Committee on Judiciary have also had under consideration Senate Bill No. 46—Entitled an Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein—and respectfully report the same back, with the recommendation that it do pass, as amended.

Also, have had under consideration Senate Bill No. 197—Entitled an Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecutions for murder, the embezzlement of public moneys, and the falsifications of public records must be commenced—and respectfully report the same back, with the recommendation that it do pass.

Your Committee on Judiciary have also had under consideration Senate Bill No. 16—Entitled "An Act to regulate cooperative building and loan associations, to provide for their proper supervision, and to protect shareholders therein"—and respectfully report the same back, with the recommendation that it do not pass.

Also, have had under consideration Senate Bill No. 127—Entitled an Act to regulate the practice of veterinary medicine and surgery in the State of California—and respectfully report the same back, with the recommendation that it do pass, as amended.

Your Committee on Judiciary have also had under consideration Senate Bill No. 128—Entitled "An Act to amend section two thousand nine hundred and seventy-nine of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relative to the duties of the State Board of Health—and respectfully report the same back, with the recommendation that it do not pass.

Your Committee on Judiciary have also had under consideration Senate Bill No. 207—Entitled an Act to create a Police Court in and for the City and County of San Francisco, State of California—and respectfully report the same back, with the recommendation that it do pass, as amended.

Also, have had under consideration Senate Bill No. 210—Entitled "An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable

streams highways for the floating of logs and timber, and provide for the improvement and use of the same—respectfully report the same back, with the recommendation that it do pass.

Your Committee on Judiciary having had under consideration Senate Bill No. 225—Entitled an Act relating to life insurance upon the natural premium plan—respectfully reports back a substitute therefor, and recommends that the substitute do pass.

JONES, Chairman.

MOTION.

Mr. Murphy moved that the report of the Committee on Attachés, Contingent Expenses, and Mileage, just offered, be now taken up, and the resolutions contained therein be considered.

So ordered.

CONSIDERATION OF REPORT OF COMMITTEE ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of nine dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to H. S. Crocker & Co., for one Journal for the twenty-seventh session, by order of the Secretary of State, and the Controller is hereby directed to draw his warrant on the Treasury in favor of H. S. Crocker & Co. for said sum.

JANUARY 21, 1889.

Secretary of State to H. S. Crocker & Co.:

March 3, 1887, one six-quire record (Senate)..... \$9 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby authorized to purchase a desk for the use of the Secretary of the Senate, to be paid out of the fund for contingent expenses of the Senate, and the Controller is directed to draw his warrant for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That Laura Walton be and is hereby paid out of the Contingent Fund of the Senate the sum of sixty-eight dollars, for services as Janitress from January tenth to January twenty-sixth.

Upon this resolution the ayes and noes were demanded by Messrs. Caminetti, Britt, and Preston, and the same was adopted by the following vote:

AYES—Messrs. Banks, Britt, Dixon, Dray, Fraser, Greely, Hamill, McDonald, McGowan, Moffitt, Murphy, Roth, Spellaey, Sprague, Welch, Williams, Wilson, and Yell—18.

NOES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Goucher, Hinshaw, McComas, Mead, Pinder, Preston, and White—17.

Mr. Greely changed his vote from no to aye, and gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the resolution was adopted.

Also:

Be it further resolved, That the office of Assistant Postmistress is hereby abolished.

Adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—Messrs. Byrnes, Caminetti, Campbell, Hinshaw, and Pinder—5.

Also :

Resolved, That Laura Walton is hereby appointed and elected Janitress of the Senate at a per diem of seven dollars, commencing on January 27, 1889, the same to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and that the majority recommend that it be adopted.

Adopted by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Crandall, Dargie, Dixon, Flint, Goucher, Hamill, McDonald, McGowan, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—24.

NOES—Messrs. Byrnes, Campbell, Conklin, De Long, Dray, Fraser, Greely, Hinshaw, McComas, Mead, Pinder, and Preston—12.

Mr. Caminetti gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the resolution was adopted.

Also:

Resolved, That the sum of four hundred and two dollars and twenty-five cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay the bill of Bancroft-Whitney Co., for Codes furnished and expressage on same, as per resolution of the Senate and bill annexed.

SACRAMENTO, January 24, 1889.

State of California (Senate) to Bancroft-Whitney Co., Dr.:

Forty sets Pocket Codes, as per Senate resolution, at ten dollars per set.....	\$400 00
Expressage.....	2 25
Total.....	\$402 25

Approved: STEPHEN M. WHITE, President pro tem.

I certify that these have been received, and delivered to Senators who have called for them.

L. M. LANDSBOROUGH, State Janitor.

Adopted.

Also:

Resolved, That the Chairman of Committee on Claims appoint a shorthand reporter when necessary, his pay to be governed by the statutes.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Mr. Caminetti moved to amend by striking out all after the word "necessary," in line two, and inserting in lieu thereof the words "such reporters' pay to be governed by the Committee on Attachés, Contingent Expenses, and Mileage."

The resolution, as amended, was then adopted.

Also :

Resolved, That the Committee on Corporations be allowed a second clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Lost, by the following vote :

AYES—MESSRS. Britt, Goucher, Hamill, McDonald, Mead, Moffitt, Murphy, Roth, Welch, White, Williams, Wilson, and Yell—13.

NOES—MESSRS. Banks, Boggs, Bowers, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hinshaw, McComas, McGowan, Pinder, Preston, Spellacy, and Sprague—22.

Also :

Resolved, That the Committee on Judiciary of the Senate be allowed a third clerk, at a salary of eight dollars per day, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

WHEREAS, The duties of the Journal Clerk and his assistants are, and continue to be, from day to day, more and more laborious and arduous; and whereas, it is to the best interests of this Senate that the force so employed be kept at continuous work, night and day, until the completion of said duties; and whereas, the force at present thereon employed is entirely inadequate to accomplish the work; therefore, be it

Resolved, That J. A. Ford be and he hereby is appointed an Assistant Journal Clerk, at the same per diem as Journal Clerk, the said per diem to be payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Lost by the following vote:

AYES—MESSRS. Britt, Fraser, McDonald, Meany, Murphy, Spellacy, Welch, and Williams—8.

NOES—MESSRS. Banks, Boggs, Bowers, Brice land, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Pinder, Preston, Roth, Sprague, White, Wilson, and Yell—28.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

MR. President: Your Committee on State Hospitals and Asylums respectfully report the number of miles traveled by each member of said committee during their visit to the charitable institutions receiving State aid, located in Santa Clara County, California:

Senator Bowers (whole number of miles, 310).....	\$31 10
Senator Dixon (whole number of miles, 310).....	31 10
Senator Roth (whole number of miles, 310).....	31 10
Senator Crandall (whole number of miles, 310).....	31 10
Senator Byrnes (whole number of miles, including San Rafael, 334).....	33 34
Senator Brice land (whole number of miles, 310).....	31 10
Senator Mead (whole number of miles, including San Rafael, 334).....	33 34
Clerk (whole number of miles, 310).....	31 10

BRICE LAND, Chairman State Hospital Committee.

Have had the same under consideration, and respectfully offer the following as a substitute therefor:

MR. President: Your Committee on Hospitals respectfully report the number of miles traveled by each member of said committee during their visits to the charitable institutions receiving State aid, located in Santa Clara County, California:

Senator Bowers (whole number of miles, 310).....	\$31 00
Senator Dixon (whole number of miles, 310).....	31 00
Senator Roth (whole number of miles, 310).....	31 00
Senator Crandall (whole number of miles, 310).....	31 00
Senator Byrnes (whole number of miles, including San Rafael, 334).....	33 40
Senator Mead (whole number of miles, including San Rafael, 334).....	33 40
Senator Brice land (whole number of miles, 310).....	31 00
Clerk (whole number of miles, 310).....	31 00

Adopted.

Also:

Resolved, That the pay of the Doorkeepers and Gatekeepers of the Senate be and the same is hereby increased to five dollars per day.

Have had the same under consideration, and respectfully report the same back, and recommend its reference to the Committee on Judiciary.

Adopted.

Also:

Resolved, That Willie B. Ayer be and he is hereby continued Page of this Senate, to act as assistant to the File Clerk, at a per diem the same as other Pages, to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and the majority recommend that it be adopted.

Lost.

Also:

SACRAMENTO, January 16, 1889.

State of California to C. C. Duham, Dr.:

To three days' service as Porter of Judiciary Committee rooms, twelve dollars—January 13, 14, and 15, 1889.

Resolved, That the foregoing bill be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Rules begs leave to report back the following motion made by Mr. Caminetti:

I give notice that I will, on to-morrow, move to amend Rule One of the Standing Rules of the Senate, so that the same shall read as follows:

"I. OPENING OF THE DAILY SESSIONS.—The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock M. to one o'clock and thirty minutes P. M.; *provided*, that on Mondays the time of meeting shall be two o'clock P. M."

And recommend that the said amendment be adopted.

HAMILL, Chairman.

MOTIONS.

Mr. Greely moved that the time of recess be extended.

So ordered.

Mr. Mead moved to amend the resolution to the effect that it should go into operation on February fifteenth.

Adopted.

The resolution, as amended, was then adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—35.

NOES—Mr. Welch—1.

Mr. Goucher gave notice that he would, on to-morrow, move to reconsider the vote by which the resolution was adopted.

RESOLUTION.

Mr. White offered the following resolution:

Resolved, That the State Printer be instructed to print and return to the Senate two hundred and fifty copies of Senate Resolution No. 2, as enrolled.

Adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 1—An Act to pay the claim for expenses of the funeral of Governor Bartlett.

Also, Senate Joint Resolution No. 2 has been correctly enrolled.

MEAD, Chairman.

RECESS.

At twelve o'clock and forty-five minutes the Senate took the usual recess until two o'clock P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. White in the chair.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Welch, White, Williams, and Wilson.

Quorum present.

CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Bowers moved to dispense with further proceedings under the call of the Senate.

So ordered.

SPECIAL ORDER.

Mr. Mead moved that the special order be postponed until to-morrow, immediately after the reports of standing committees.

So ordered.

MESSAGES FROM THE GOVERNOR.

Messages from the Governor were considered, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 31, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 1—An Act to pay the claim for expenses of the funeral of Governor Washington Bartlett.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 31, 1889. }

To the Senate of the State of California:

I beg to acknowledge the receipt of a joint communication, signed by Hon. Stephen M. White, President pro tem. of the Senate, and Hon. Robert Howe, Speaker of the Assembly,

notifying me of the election, in joint convention of the two Houses of the Legislature, on January 23, 1889, at three o'clock p. m., of five Trustees of the State Library, under section two thousand two hundred and ninety-two of the Political Code, for the term commencing February 28, 1890.

Under the notification in question, I was requested to issue commissions in accordance with such election, to those so chosen.

In view of the position taken by myself, and as is set forth on pages sixty-six, sixty-seven, sixty-eight, and sixty-nine of my first biennial message made to your honorable body, relative to the manner of choosing Trustees of the State Library, I cannot conscientiously, and in accordance with what seems to be my duty in the matter, issue such commissions, as in so doing I would be violating the stern provisions of the Constitution in that regard.

In thus expressing myself, I wish it distinctly understood that it is not in a contumacious spirit, or with a view of infringing upon your power or dignity in the premises, but it is in maintenance of what I firmly and sincerely believe to be right in connection with the subject-matter now presented. With profound respect for your honorable body, and for the purpose of removing all opportunity for an unfriendly disagreement between the Legislative and Executive departments of the Government, and in the interests of good government, and that the functions of one department may not be interfered with or invaded by another, I ask your honorable body for permission to suggest that such friendly steps may be promptly taken by the Legislature, and as in the judgment of the Judiciary Committees of both Houses, with the advice of the Attorney-General, may determine, that will finally and pleasantly establish, in accordance with law, the status of the Legislature and the Executive branch of the Government, in connection with the appointing power, assuring your honorable body that I shall be gratified if it is in my power to assist in any way in its adjudication.

R. W. WATERMAN, Governor.

The Chair ordered the message referred to the Committee on Judiciary.

• MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly, and referred to the Committee on Federal Relations:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Joint Resolution No. 1—Relative to the Election of United States Senators.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

The following message was also received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, respectfully refused to recede from its amendments to Senate Concurrent Resolution No. 4.

Substitute for Senate Concurrent Resolution No. 4.

Senate Concurrent Resolution No. 4—Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress, entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relating to Chinese,' " approved on the first day of October, 1888, and praying for additional legislation to make it more effective. Be it remembered, that,

WHEREAS, It has been asserted, and claimed, that the passage of said Act by the Fiftieth Congress of the United States, and the approval thereof by the President, has caused dissatisfaction among the people of the State of California; and whereas, it is not true that the said Act, or its passage by Congress, or its approval by the President, has caused any dissatisfaction whatever among the citizens of this State, but, on the contrary, has at all times met with their warm approbation; and whereas, to the people of the State of California said Act is a boon almost as deeply prized as was the Declaration of Independence to the original thirteen States of the Union; now, therefore, that the sentiment of the people of the State of California may not be misrepresented or misunderstood, be it

Resolved, That the Senate and Assembly of said State, duly convened, hereby place the seal of approval on the action of the Congress of the United States and the President thereof, in granting by the provisions of said Act the relief so long and earnestly sought by the entire population of the State; and be it further

Resolved, That never at any time since first they sought the inhibition of Chinese immigration have our citizens faltered for a moment in their resolution to first obtain and then maintain the exclusion from our shores of a people detrimental to our country, and a menace to its prosperity; and be it further

Resolved, That an experience of forty years has proven to our people, beyond the power of all argument to dispel, that the proffer to the people of China of the rights and privileges of the most favored nations is a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizens of the Republic; and be it further

Resolved, That the Senate and Assembly of the State of California recommend to the Congress of the United States and the President of the Republic the passage of such wise laws, the perfection of such additional legislation, and the making of such treaties as will best secure the enforcement of said Act, and effectually prevent the evasion thereof; and be it further

Resolved, That the Executive of our State, his Excellency the Governor, be and he is hereby authorized to forward by telegraph a copy of these resolutions to each of our Senators and Representatives at Washington, who are by these resolutions requested to present the same to Congress at such time as in their good judgment may best secure the due and favorable consideration thereof.

And appointed Messrs. Shanahan, Black, and Dibble as a conference committee, on behalf of Assembly, to meet a like committee from the Senate.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

The Chair appointed as a conference committee, in conformity with the suggestion set forth in the Assembly message, Messrs. Murphy, McGowan, and Goucher.

Also the following message:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Joint Resolution No. 1—Approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the sixth day of November, 1888.

E. E. LEAKE, Chief Clerk.

By C. H. CONNELL, Assistant Clerk.

Joint Resolution No. 1—Approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the sixth day of November, 1888—ordered to enrollment.

SPECIAL ORDER.

The special order set for this hour was the consideration of the appointments made by Governor Waterman since the last session of the Senate.

Mr. Boggs moved that the same be postponed until Thursday, February 14, 1889.

So ordered.

ANNOUNCEMENT BY THE CHAIR.

The Chair announced that upon a request properly made he would issue subpoenas to any witnesses whose evidence was desired by any committees of the Senate.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Preston: Senate Bill No. 429—An Act to amend an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Referred to Committee on Judiciary.

By Mr. Britt (by request): Senate Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court of Sacramento.

Referred to Committee on Claims.

By Mr. Pinder: Senate Bill No. 431—An Act to add a new section to chapter ten of the Penal Code, to be known and numbered as section three hundred and thirty-seven, relative to the selling of pools on horse races.

Referred to Committee on Public Morals.

By Mr. Campbell: Senate Bill No. 432—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the tenth class.

Referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 433—An Act to provide for the destruction of seals and sea lions, and to authorize a bounty to be given by the State to encourage such destruction to any person who shall kill a seal, or sea lion, in the waters of the State of California.

Referred to Committee on Fish and Game.

By Mr. Conklin: Senate Bill No. 434—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon.

Referred to Committee on Finance.

By Mr. Wilson (by request): Senate Bill No. 435—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Referred to Committee on Hospitals.

By Mr. Fraser: Senate Bill No. 436—An Act to provide for the appointment of Trustees for certain purposes in unincorporated towns.

Referred to Committee on Judiciary.

By Mr. Boggs: Senate Bill No. 437—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of Trustees after the distribution of estates and to compensation of Trustees.

Referred to Committee on Judiciary.

By Mr. Campbell: Senate Bill No. 438—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to illegal methods of fishing.

Referred to Committee on Fish and Game.

By Mr. Hamill: Senate Bill No. 439—An Act for the relief of Patrick Torney.

Referred to Committee on Claims.

By Mr. Caminetti: Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to salaries of the officers and employes of the Senate and Assembly.

Referred to Committee on Judiciary.

Also, Senate Bill No. 441—An Act to amend section eight hundred and seventy-two of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses.

Referred to Committee on Judiciary.

By Mr. Dray: Senate Bill No. 442—An Act to amend "An Act to establish a Penal Code," approved February 14, 1872, relating to the duty and power of a Grand Jury.

Referred to Committee on Judiciary.

By Mr. Dargie: Senate Bill No. 443—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Referred to Committee on Claims.

Also: Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities and towns, to acquire, maintain, and improve public parks and boulevards.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Sprague: Senate Bill No. 445—An Act to provide for the appointment of Matrons for prisons and jails of cities and counties, defining their duties, and providing for their compensation.

Referred to Committee on Public Morals.

By Mr. Mead: Senate Bill No. 446—An Act to prevent the abuse of the process of Courts of justice in this State.

Referred to Committee on Judiciary.

By Mr. White: Senate Bill No. 447—An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the contents of a judgment roll, and providing that the same shall contain a copy of the notice of intention to move for a new trial and any order made thereon.

Referred to Committee on Judiciary.

REPORT OF COMMITTEE ON ENGROSSMENT.

The following report was received from the Committee on Engrossment

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 191.

HAMILL, Chairman.

GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 4—An Act to amend sections three, six, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal sections seven and nine of said Act, and to appropriate money for the use of the State Board of Horticulture.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bagg, Bowers, Brainerd, Brett, Byrnes, Cammerell, Conkley, Cranfill, Dargie, De Lata, Dixon, Dray, Felt, Fraser, Goodrich, Greaney, Hamann, Hamshaw, McWilliams, McWhorter, Mead, Miller, Murphy, Parker, Preston, Roth, Spauldy, Sprague, White, Williams, Wilson, and Yeager—34.
NAYS—None.

Title read and approved.

Senate Bill No. 98—An Act to amend section two thousand two hundred and ninety-four of the Political Code, relating to the office of State Librarian.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bagg, Bowers, Brainerd, Brett, Byrnes, Cammerell, Conkley, Cranfill, Dargie, De Lata, Dixon, Dray, Felt, Fraser, Goodrich, Greaney, Hamann, Hamshaw, McWilliams, McWhorter, Mead, Miller, Murphy, Parker, Preston, Roth, Spauldy, Sprague, White, Williams, Wilson, and Yeager—33.
NAYS—None.

Title read and approved.

THIRD READING OF BILLS.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

Passed on file.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Passed on file.

Senate Bill No. 286—An Act to amend section one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court, with relation to the testimony taken and filed in divorce cases.

Passed on file.

Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor.

Passed on file.

Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Passed on file.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Passed on file.

Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hinshaw, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—28.
 NOES—Mr. Crandall—1.

Title read and approved.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State, and to repeal section seven hundred and ninety-three of said Code, relating to the term of office of Notaries Public.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Senate Bill No. 286—An Act to amend section one thousand and thirty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court, with relation to the testimony taken and filed in divorce cases.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Preston, Sprague, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury, into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Mr. McGowan moved to commit the bill to a committee of one, consisting of himself, to amend by striking out the word "bays," where it occurs in section one, page two, line twelve, of printed bill, and insert in lieu thereof the word "waters."

Adopted.

Bill, as amended, ordered engrossed and printed, and to retain its place on file.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Passed on file.

Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard, for thirty-ninth and fortieth fiscal years.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—29.

NOES—Mr. Campbell—1.

Title read and approved.

Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Spellacy, Sprague, Welch, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Murphy gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Senate Bill No. 218 passed the Senate.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

Title read and approved.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commissioner for the thirty-ninth and fortieth fiscal years.

Mr. Goucher in the chair.

Senate Bill No. 55 passed on file.

Senate Bill No. 90—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of the public health and safety, and registration of births, deaths, and marriages.

Mr. White in the chair.

Mr. Murphy moved to strike out the enacting clause of Senate Bill No. 90.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—Messrs. McDonald and Murphy—2.

REPORT OF COMMITTEE ON ENGROSSMENT.

The following report was received from the Committee on Engrossment:

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 190.

HAMILL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known

as the "Mendocino State Insane Asylum," and appropriating money therefor.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Messrs. Boggs and Preston at the bar of the Senate.

Mr. Campbell moved to fine the Senators each two dollars for contempt of the Senate.

Upon the motion, the roll was called, with the following result:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Campbell, Crandall, Dargie, Flint, Goucher, Greely, Heacock, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—23.

NOES—Messrs. Banks, Britt, Byrnes, Conklin, De Long, Dixon, Dray, Fraser, Hamill, Hinshaw, McComas, and Wilson—12.

Mr. Preston explained his vote by stating that while he was not desirous of making exceptional examples of discipline of Senator Boggs and himself, yet he was in favor of enforcing the orders of the Senate, for the purpose of expediting business: and, so far as he was interested, was in favor of imposing the fine, providing that the Senators would not make this an exceptional instance.

Messrs. Boggs and Preston thereupon paid their fines, and thus satisfied the judgment of the Senate.

The Sergeant-at-Arms reported Mr. Murphy at the bar of the Senate.

Mr. Welch moved to fine Mr. Murphy two dollars.

So ordered.

The judgment of the Senate having been satisfied, Mr. Murphy resumed his seat.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

Messrs. Hinshaw, Dargie, and Goucher called for the ayes and noes, and Mr. Yell's motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Crandall, Dray, Flint, Fraser, Meany, Moffitt, and Yell—10.

NOES—Messrs. Banks, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Wilson—25.

The Chair ordered the roll called, to ascertain if any Senator had left the Senate while under the call of the Senate without leave:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Senator Williams being absent.

Mr. Goucher moved to bring the Sergeant-at-Arms and Mr. Williams before the bar of the Senate.

The Chair stated that the Sergeant-at-Arms and Mr. Williams were in contempt of the Senate.

Mr. McDonald was reported at the bar of the Senate.

Mr. Moffitt moved to fine him two dollars.

So ordered.

The Sergeant-at-Arms reported before the Senate in contempt, but was excused.

Mr. McDonald moved to dispense with further proceedings under the call of the Senate.

Upon this motion the roll was called, with the following result:

AYES—Messrs. Briceland, Conklin, Greely, Hamill, Meany, Moffitt, Murphy, Roth, and Yell—9.

NOES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hinshaw, McComas, McGowan, Mead, Pinder, Preston, Spellacy, Sprague, Welch, White, and Wilson—26.

Mr. Wilson moved to excuse Mr. McDonald.

So ordered.

Mr. Yell moved to dispense with further proceedings under call of the Senate.

So ordered.

THIRD READING OF BILLS—(RESUMED).

The question being upon the passage of Senate Bill No. 190, it having been read the third time.

Mr. Yell moved the previous question.

The bill passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Caminetti, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—29.

NOES—Messrs. Briceland, Byrnes, Campbell, Conklin, Dixon, and Mead—6.

Title read and approved.

REPORT OF COMMITTEE ON FINANCE.

Mr. Moffitt introduced a report from Committee on Finance:

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 413—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Senate Bill No. 413—Making an appropriation for the contingent expenses of the Senate—presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

Upon suspension of the rules, the roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Goucher, Hamill, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—27.

NOES—Messrs. Banks, Campbell, De Long, Flint, Fraser, Greely, and Hinshaw—7.

FIRST, SECOND, AND THIRD READING OF BILL.

Senate Bill No. 413—An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

Read the first, second, and third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—34.

NOES—None.

Title read and approved.

RESOLUTION.

Mr. Conklin offered the following resolution (out of order):

Resolved, That the Secretary of State be instructed to furnish each member of the Senate a copy of Hall's Irrigation Development, volume one.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

LEAVE OF ABSENCE.

Mr. Mead asked leave of absence for the Committee on State Hospitals to visit Napa on to-morrow, at three o'clock and fifteen minutes P. M.

Granted.

REPORT OF COMMITTEE ON ENGROSSMENT.

The following report was received from the Committee on Engrossment:

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly reengrossed: Senate Bill No. 136.

HAMILL, Chairman.

Mr. Moffitt offered the following report, and asked that it be considered and read.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 62—An Act to create a Police Relief and Pension Fund in the several counties, cities and counties, cities and towns of the State—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass.

MOFFITT, Chairman.

ADJOURNMENT.

On motion of Mr. Meany, at six o'clock P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 1, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Temporary leave of absence was granted the Election Committee.

READING OF JOURNAL.

The Journal of yesterday was read, and approval suspended to allow Mr. Preston to make an amendment thereto.

LEAVE OF ABSENCE.

Mr. Goucher asked leave of absence for the Committee on State Prisons to visit Folsom State Prison.

Granted.

Mr. Williams asked leave of absence for the Committee on Public Buildings and Grounds to visit public buildings.

Granted.

Mr. Wilson asked leave of absence for Mr. De Long for this afternoon.

Granted.

Mr. Mead asked leave of absence for the Committee on State Hospitals, after recess.

Granted.

QUESTION OF PRIVILEGE.

Mr. Williams arose to a question of privilege, which he stated as an apology to the President pro tem. and the Senate.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Senator Boggs at the bar of the Senate. Upon motion of Mr. Goucher, he was excused.

Mr. Byrnes moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTION.

Mr. Wilson moved to suspend the rules and allow him to make a motion in regard to the reference of Senate Bill No. 154 to the Committee on Judiciary.

Upon roll call, the motion was lost by the following vote:

AYES—Messrs. Boggs, Britt, Caminetti, Dray, Flint, Jones, McDonald, Meany, Moffitt, Murphy, Preston, Sprague, Wilson, and Yell—14.

NOES—Messrs. Banks, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Greeley, Hancock, Hinshaw, McComas, McGowan, Mead, Pinder, Roth, Spellacy, Welch, White, and Williams—24.

AMENDMENT TO JOURNAL.

Mr. Preston moved to amend the Journal, as follows, on page seventeen, immediately after the roll call on call of the Senate:

Mr. Preston explained his vote by stating that while he was not desirous of making exceptional examples of discipline of Senator Boggs and of himself, yet that he was in favor of enforcing the orders of the Senate for the purpose of expediting business, and so far as he was interested, was in favor of imposing the fine, provided that the Senators would not make this an exceptional instance.

Journal approved, as amended.

PRESENTATION OF PETITIONS.

By Mr. Fraser, as follows:

PENRYN, January 31, 1889.

Hon. Thomas Fraser, Senate Chamber:

We respectfully urge the appropriation of two hundred and fifty thousand dollars for the London Exhibit.

Signed by P. W. Butler, A. P. Hall, S. A. Wood, J. R. Sisley, W. Hagen, H. F. Albee, and A. D. Campbell.

By Mr. Goucher: Two petitions:

To the honorable the members of the Senate and Assembly, and the Governor of the State of California:

The undersigned, citizens and residents of Rio Vista and the immediate vicinity of the lower Sacramento River and Suisun Bay, practical salmon fishermen, and others familiar with the methods and necessities of that business in this neighborhood, most respectfully petition and earnestly recommend that section six hundred and thirty-six of the Penal Code of this State be amended so as to exempt salmon gill-nets from that clause thereof which declares it to be a misdemeanor to fish with nets of any kind extending more than one third across the width of any river, stream, or slough. We are convinced beyond any reasonable doubt that the law as it now stands will, if enforced, destroy the business of salmon fishing in the Sacramento River and the streams and sloughs auxiliary thereto.

[Signed by two hundred and seven names.]

Also:

BENICIA, CAL., January 19, 1889.

To the honorable Senate and Assembly of the State of California:

The undersigned respectfully petition your honorable bodies to amend section six hundred and thirty-four of the Penal Code of the State of California, by making the "close season" extend from the fifteenth day of September to the first day of November, instead of extending from the thirty-first day of August to the first day of October, as it now does; also, to amend said section by striking out all that part thereto relating to the size of the meshes of nets and seines.

[Signed by one hundred and eighty-four names.]

By request of Mr. Campbell, both petitions were referred to the Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 350—An Act to prevent deception in the sale of dairy products, and to preserve the public health.

Also, Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to the obligations of coterminous owners and construction and maintenance of division fences.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 291—An Act to amend an Act entitled "An Act to amend sections two, four, six, seven, and eight of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887, by amending and revising section one of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow, and other lands recognized as swamp lands," approved April 15, 1880—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

JONES, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant Company "F," Second Brigade, National Guard of California, pursuant to Special Orders No. 26, series 1880—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 84—An Act to authorize the State Board of Harbor Commissioners to construct railroads over State lands and lands within their jurisdiction along the waterfront line of the City and County of San Francisco.

Also, Senate Bill No. 85—An Act to authorize the State Board of Harbor Commissioners to execute leases of land belonging to the State within their jurisdiction and control.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SPELLACY, Chairman.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 214—An Act to add three new sections to the Penal Code, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, relative to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Also, Senate Bill No. 264—An Act to amend section three thousand three hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to retail liquor licenses.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also, Senate Bill No. 150—An Act to establish a Penal Code, relating to the crime of rape—have had the same under consideration, and have amended subdivision one of

section two hundred and sixty-one thereof, by striking out the word "eighteen," and inserting the word "sixteen" in lieu thereof, and respectfully report the same back, and recommend that it do pass, as amended.

SPELLACY, Chairman.

ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings respectfully report that the following members of said committee are entitled to mileage for their visit to the Branch Normal School, situated at Los Angeles, Los Angeles County, California:

Senator McDonald (whole number of miles, 956).....	\$95 60
Senator Williams (whole number of miles, 956).....	95 60
Clerk Chauncey Clark (whole number of miles, 956).....	95 60

WILLIAMS, Chairman.

Also, the following report:

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred the following resolution:

To the Sergeant-at-Arms of the Senate:

I agree to put up the shelving and pigeon-holes in the rooms of the Sergeant-at-Arms of the Senate, same to contain four hundred and eighty compartments, more or less, to be stained on the face, and with the necessary coat-hooks on back, for the sum of three hundred dollars, and desire your indorsement hereon.

JOHN P. HUGHES.

SACRAMENTO, Cal., January 8, 1886.

Approved: G. W. FAYLOR.

SACRAMENTO, January 20, 1889.

State of California (Sergeant-at-Arms Senate) to John P. Hughes, Dr.:

To putting up shelving, pigeon-holes, and coat-hooks, as per agreement.....	\$300
Extra work, by order of Sergeant-at-Arms.....	30

Total.....	\$330
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Approved: GEORGE FAYLOR, per Fay.

Resolved, That the sum of three hundred and thirty dollars (\$330) be appropriated out of the Contingent Fund of the Senate to pay the bill of John P. Hughes, for work done and material furnished in the Sergeant-at-Arms' rooms to date, as per bill annexed, approved by said Sergeant-at-Arms.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WILLIAMS, Chairman.

Mr. Murphy moved to adopt the resolution as embodied in the report.

So ordered.

Thereupon, by viva voce vote, the resolution was adopted.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation respectfully report the number of miles traveled by each member of said committee:

Senator Murphy—To San Francisco and return, 168 miles.....	\$16 80
Senator Bowers—To San Francisco and return, 168 miles.....	16 80
Senator Langford—To San Francisco and return, 168 miles.....	16 80
Senator De Long—To San Francisco and return, 168 miles.....	16 80
Senator Byrnes—To San Francisco and return, 168 miles.....	16 80
Senator Pinder—To San Francisco and return, 168 miles.....	16 80
Senator Spellacy—To San Francisco and return, 168 miles.....	16 80
Clerk David Neagle—To San Francisco and return, 168 miles.....	16 80

Total.....	\$134 40
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SPELLACY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Mr. Murphy moved to adopt the report.

So ordered.

Thereupon, by a viva voce vote, the report as read was adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings respectfully report the number of miles traveled by each member of said committee during their visit to the State Prison at San Quentin on Saturday, January 26, 1889:

Senator Goucher (whole number miles, 192).....	\$19 20
Senator White (whole number miles, 192).....	19 20
Senator McComas (whole number miles, 192).....	19 20
Senator Caminetti (whole number miles, 192).....	19 20
Senator Hinshaw (whole number miles, 192).....	19 20
Senator Boggs (whole number miles, 192).....	19 20
Senator De Long (whole number miles, 192).....	19 20
Senator Wilson (whole number miles, 192).....	19 20
J. A. Filcher, Clerk (whole number miles, 192).....	19 20

GOUCHER, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Mr. Murphy moved the adoption of the report.

So ordered.

Thereupon, by viva voce vote, the report as read was adopted.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1889.

MR. PRESIDENT: Your Committee on Public Morals respectfully report the number of miles traveled by each member of said committee:

Senator Briceland—	
To San Francisco and return, 168 miles.....	\$16 80
To San Quentin and return, 30 miles.....	3 00
Senator Fraser—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Senator Conklin—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Senator Hinshaw—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00
Clerk James Feehan—	
To San Francisco and return, 168 miles.....	16 80
To San Quentin and return, 30 miles.....	3 00

SPELLACY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that mileage only be allowed to Senators Spellacy and Fraser, and Clerk Feehan.

Mr. Murphy moved the adoption of the report as read.

So ordered.

Thereupon, by viva voce vote, the report as read was adopted.

Also, the following resolution:

Resolved, That the Secretary of State be instructed to furnish each member of the Senate a copy of Hall's "Irrigation Development," volume one.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 91—have had the same under consideration, and respectfully report the substitute ordered by the Senate back, and recommend that it do pass.

BRICELAND, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 30, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 362—An Act to amend sections one, two, and four of an Act entitled "An Act authorizing the appointment of certain permanent employees of the State Capitol, and fixing their compensation," approved March 30, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 194—An Act entitled an Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MOFFITT, Chairman.

SPECIAL ORDER.

The special order set for immediately after reports of standing committees—Consideration of majority and minority reports of the Committee on Hospitals, concerning the Home for the Care of the Feeble-Minded—was taken up.

Mr. Moffitt moved to suspend the rules, and place Senate Bill No. 194 upon the file and read it the first time.

Upon roll call, the motion was carried by the following vote:

AYES—Messrs. Bagg, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Heacock, Jones, McComas, McDonald, Moffitt, Murphy, Preston, Spellacy, Welch, and Wilson—21.

NOES—Messrs. Bowers, Briceland, Goucher, Greely, Hinshaw, McGowan, Mead, Meany, Roth, and White—10.

Mr. Moffitt moved to read Senate Bill No. 194 the first time.

So ordered.

Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon.

Read first time.

Mr. Moffitt moved that the consideration of the special order be deferred until Senate Bill No. 194 had been read the second time.

Mr. Crandall moved as an amendment that the consideration of the special order be deferred until immediately after the reading of the Journal on Monday morning.

RECESS.

The subject-matter still being under consideration, and the hour of recess having arrived, Mr. White adjourned the Senate for the usual recess until two o'clock P. M.

REASSEMBLED.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bagg, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McGowan, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, White, Williams, and Wilson.

Quorum present.

The question being upon Mr. Crandall's amendment to defer the special order, the same was lost.

The question recurring upon Mr. Moffitt's motion to make the consideration of the special order after the second reading of Senate Bill No. 194, the same was carried.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 413—An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

Also, passed Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, received the following petition, viz:

To the honorable President of the Senate, Speaker of the Assembly, and members of the Legislature of the State of California:

Your petitioners most respectfully represent that the great falls of the Yosemite, and Mono Lake with its wonderful mineralized, medicinal water, strangely volcanic and healthful and beautiful surroundings, are objects of natural grandeur unequaled in the universe, and which if connected by a good passable wagon road would be equally visited by the travelers, tourists, and health seekers of the western world. That these magnificent sights are separated by the great Sierra Nevada range of mountains, filled with grand, gorgeous, picturesque, and beautiful mountain lakes and landscape views, equaled only by the grandest, most beautiful of Alpine scenery of the world.

That if these health and pleasure resorts were thus connected, thousands of travelers, tourists, capitalists, and pleasure seekers would be drawn by the attractions from one to the other, and that said road would add vastly to the great natural attractions of our State, and greatly benefit not only the people of Mono, Inyo, and Alpine Counties, on the eastern slope of the great mountains, but our entire State.

That the opening of the road is a necessity; that it will pass through a region rich in gold and silver veins, and that its opening will vastly aid in the development of mines and agricultural interests, increase and add largely to the taxable property of the State.

That there is a direct, natural, and available route for said road through Mill Creek Cañon, by way of Lake Tenaya, across the summits of the great Sierra, to Yosemite Valley.

That a road not to exceed ten miles in length will connect the town of Lundy with the Great Sierra and Yosemite toll road at the Great Sierra mine, on the summit of the mountains. That the residents of the Counties of Mono and Tuolumne are not financially able to build said road.

Wherefore, your petitioners pray your honorable body that you appoint a commission of suitable persons to survey, locate, and lay out said road, and that your honorable body will make appropriation out of the public moneys of the State, as will be necessary to defray the expenses of said survey, and the building of said road, not to exceed the sum of forty thousand dollars, said road to be and remain a free road for the use and benefit of the people of the State; and your petitioners will ever pray.

[Signed by three hundred and seven citizens of Mono County.]

And ordered the same to be transmitted to the Senate.

ED. E. LEAKE, Chief Clerk.

Referred to Committee on Forestry and Yosemite Valley and Mariposa Grove of Big Trees.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Wilson: Senate Bill No. 448—An Act to amend sections one thousand two hundred and thirty-eight and one thousand two hundred and fifty-one of the Code of Civil Procedure, relating to eminent domain.

Referred to Committee on Judiciary.

SUSPENSION OF RULES.

Mr. Wilson moved to suspend the rules in order to introduce a Constitutional amendment.

Rules suspended, and the Constitutional amendment introduced, as follows:

By Mr. Wilson: Constitutional Amendment No. 13—Entitled "An Act to propose to the people of the State of California an amendment to the Constitution of the State of California."

Referred to Committee on Constitutional Amendments.

INTRODUCTION OF BILLS—(RESUMED).

By Mr. Pinder: Senate Bill No. 449—An Act to amend sections three hundred and seven and three hundred and twelve of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Referred to Committee on Corporations.

By Mr. Dargie: Senate Bill No. 450—An Act to amend section three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Referred to Committee on Corporations.

Also, Senate Bill No. 451—An Act relating to elevator insurance.

Referred to Committee on Corporations.

Also, Senate Bill No. 452—An Act relating to the time of commencement of actions for the recovery of real property.

Referred to Committee on Judiciary.

By Mr. McComas: Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections.

Referred to Committee on City, City and County, and Town Governments.

By Mr. McDonald: Senate Bill No. 454—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

Referred to Committee on Claims.

By Mr. Murphy: Senate Bill No. 455—An Act to amend section seven hundred and ninety-two of the Political Code, relative to Notaries Public and their qualifications.

Referred to Committee on Judiciary.

Also, Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Jones: Senate Bill No. 457—An Act to enfranchise the women citizens of this State, and prescribing their qualifications as electors.

Referred to Committee on Judiciary.

By Mr. Briceland: Senate Bill No. 458—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, amended April 16, 1880, so as to include within the operations of said Act actions for malpractice against physicians and surgeons.

Referred to Committee on Judiciary.

By Mr. Dray: Senate Bill No. 459—An Act to provide for the improvement of the State Capital grounds, located at Sacramento, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prison Buildings.

By Mr. Heacock: Senate Bill No. 460—An Act to legalize certain acknowledgments.

Referred to Committee on Judiciary.

Also, Senate Bill No. 461—An Act to amend section eleven hundred and eighty-one of the Civil Code of the State of California, as amended April 3, 1880, relating to the proof and acknowledgment of instruments.

Referred to Committee on Judiciary.

Also, Senate Bill No. 462—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use, but not used for the purpose to which it was dedicated.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 463—An Act to amend section sixty-nine of the Civil Code, relating to marriage.

Referred to Committee on Judiciary.

By Mr. White (by request): Senate Bill No. 464—An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Referred to Committee on Judiciary.

Also, Senate Bill No. 465—An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the crime of gaming and the punishment thereof.

Referred to Committee on Judiciary.

Also, Senate Bill No. 466—An Act to establish a State Reform School for juvenile offenders.

Referred to Committee on Judiciary.

LEAVE OF ABSENCE.

Pages Eisbury and Biddle were granted leave of absence until Monday.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.

Read and amended in committee.

Mr. Caminetti moved that the amendment, as reported and amended by committee, be printed.

So ordered.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

LEAVE OF ABSENCE.

Mr. Yell was granted leave of absence until Monday.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hancock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Welch, White, Williams, and Wilson—30.

NOES—None.

Title read and approved.

WITHDRAWAL OF MOTION.

Mr. Murphy withdrew his motion to reconsider the vote whereby Senate Bill No. 218 was passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Passed on file.

Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

Passed on file.

Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Passed on file.

Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Amended in committee, as follows:

Committee Amendment No. 1:

In section one, line three, printed bill, strike out word "certain." Same line, strike out word "near," and insert in same line, between words "American River" and "Salmon Falls" the word "called."

Adopted.

Amendment No. 2:

In section two, in line one, strike out words "or so much thereof as may." In second line, same section, strike out words "be necessary for said purpose."

Adopted.

Amendment No. 3:

In section three, in line two, strike out all from and including the word "as" to and including the word "sum," in line three.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Mr. Preston offered the following amendment to section one:

Insert after the word "fish," in line five, the words "except such sawdust as may be necessarily used for the purpose of caulking flumes which are used exclusively for the conveyance of water for mills, irrigation, and other purposes."

Lost.

Mr. Caminetti moved to strike out section two of the bill.

So ordered.

Bill ordered engrossed and to a third reading.

Senate Bill No. 287—An Act to provide for the fitting up in the basement of the State Capitol building a moisture-proof, fire-proof, and burglar-proof vault, for storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Mr. Crandall moved to amend in section one, line three, by striking out the word "of" after the word "building."

Adopted.

Mr. Goucher moved to amend by striking out of line two, section four, the words "hereby created."

Adopted.

Mr. Goucher moved to amend in lines four and five, in section five, by striking out all after the word "State."

Adopted.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

So ordered.

The following Senators answered to their names:

Messrs. Banks, Boggs, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Sprague, Welch, White, Williams, and Wilson.

The Sergeant-at-Arms appeared at the bar of the Senate with Mr. Spellacy in custody.

Mr. Moffitt moved to excuse Mr. Spellacy.

Lost.

Mr. Murphy moved to fine Mr. Spellacy two dollars.

Roll call demanded by Messrs. Murphy, Dargie, and Britt.

AYES—MESSRS. Banks, Boggs, Britt, Caminetti, Campbell, Conklin, Dargie, Flint, Goucher, Greely, Hamill, Jones, McComas, McDonald, Moffitt, Murphy, Preston, Sprague, Welch, White, and Wilson—22.

NOES—MESSRS. Crandall, Dray, Fraser, Heacock, Hinshaw, McGowan, Pinder, and Williams—7.

The judgment of the Senate was that Mr. Spellacy pay his fine of two dollars.

The fine was paid, and the judgment of the Senate was satisfied.

The Sergeant-at-Arms appeared at the bar of the Senate with Mr. Meany in custody.

Mr. Jones moved to fine Mr. Meany two dollars.

So ordered.

Thereupon Mr. Meany paid his fine, the judgment of the Senate was satisfied, and Mr. Meany resumed his seat.

SECOND READING OF BILLS—(RESUMED).

Question recurring upon Senate Bill No. 287.

Mr. Crandall moved to amend section seven, by adding thereto the following words: "The salary of said official shall not begin till the completion of said vault."

Adopted.

Mr. Goucher moved to amend section eight, by striking out all in lines four and five after the word "years," in line four.

Adopted.

The bill read second time, ordered engrossed and to a third reading.

Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Mr. Goucher moved to pass this bill on file until Tuesday, and to retain its place on file.

So ordered.

Senate Bill No. 87—An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Mr. Goucher moved to amend by striking out, in section two, lines four and five of printed bill, the words "State Board of Examiners," and insert the words "Board of Military Auditors."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 144—An Act to appropriate money for the completion and furnishing the building of the Northern Branch State Normal School at Chico.

Committee amendments, as follows :

Amend title by inserting between the word "furnishing" and the word "the" the word "of," in the second line of the title; strike out the words "Northern Branch" in said line before the word "strike."

Adopted.

Amend section one, in line one of the printed bill, by striking out the word "fifty," and insert in lieu thereof the word "forty."

Adopted.

In line four of the printed bill, strike out the words "Northern Branch."

Adopted.

Amend section two by inserting the words "at Chico" after the words "Normal School" and before the word "and," in line two of section two of the printed bill.

Adopted.

Strike out the words "twenty-five," in line four of section two of the printed bill, and insert in lieu thereof the word "ten."

Adopted.

Amendment by Mr. Jones:

Amend section two by striking out the words "twenty-five," in last line of first page of original bill, and insert in lieu thereof the word "thirty."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Committee amendment, as follows:

Insert in line twenty-six, page one, original bill, after the word "Act," the following: "entitled an Act."

Adopted.

Bill read second time, ordered engrossed and to a third reading.

Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Bill ordered engrossed and to a third reading.

Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito, by an Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

Mr. White moved to amend as follows:

In section one, line eleven, page two, strike out "equitable" and insert "equitably."

Adopted.

Mr. Flint moved to strike out the first two words in line three, section two of printed bill.

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

CALL OF THE SENATE.

Mr. Meany moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Britt, Caminetti, Campbell, Conklin, Crandall, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. McDonald moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms reported Mr. Moffitt at the bar of the Senate.

Mr. Greely moved to fine him twenty-five dollars.

Mr. Boggs moved to amend, and make the fine five dollars.

Mr. Caminetti moved, as a substitute, to fine him two dollars.

The roll was called upon Mr. Caminetti's substitute, with the following result:

AYES—Messrs. Banks, Caminetti, Dray, Fraser, Heacock, Hinshaw, McDonald, Meany, Murphy, Williams, and Wilson—11.

NOES—Messrs. Boggs, Britt, Campbell, Crandall, Flint, Goucher, Greely, Hamill, Jones, McComas, McGowan, Pinder, Preston, Spellacy, Sprague, Welch, and White—17.

Mr. Boggs' amendment prevailed, and Mr. Moffitt paid his fine.

The judgment of the Senate having been satisfied, Mr. Moffitt resumed his seat.

Mr. Dray moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTION TO SUSPEND THE RULES.

Mr. Fraser moved to dispense with the rules to allow Mr. Meany to introduce a report out of order.

Upon the motion, the roll was called, with the following result:

AYES—Messrs. Banks, Britt, Caminetti, Campbell, Crandall, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—25.

NOES—Messrs. Boggs, Dray, Greely, and Moffitt—4.

Senate Bill No. 78 passed on file.

The following report was received from Mr. Meany:

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 325—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher, for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Also, Senate Bill No. 364—An Act to pay the claim of William Pyburn, his heirs, or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Also, Senate Bill No. 285—An Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of the Women's Department, at the New Orleans World's Industrial Exposition, from November 15, 1884, to June 15, 1885.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 184—An Act to appropriate money for the relief of J. C. Doherty—have had the same under consideration, and respectfully report the same back without recommendation.

MEANY, Chairman.

RESOLUTIONS.

The following resolutions were introduced and ordered printed in the Journal:

By Mr. McDonald:

Resolved, That the Committee on Engrossment be and they are hereby authorized to appoint an additional Engrossing Clerk when they may deem such additional clerk necessary, such clerk to be paid a per diem of six dollars, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

Resolved, That the Chairman of Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove be allowed a stenographer, who shall receive for his services the pay now allowed by law for stenographers in Superior Courts.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Jones:

Resolved, That the Controller be and he is hereby directed to draw a warrant for the sum of two hundred and two dollars and fifty cents on the Contingent Fund of the Senate in favor of Frank McGowan, for the purpose of paying one half the expenses incurred by the joint committee of the Senate and Assembly, appointed to receive and confer with the delegation from the Legislature of the State of Nevada.

Adopted.

By Mr. Murphy:

Resolved, That Willie B. Ayer be and he is hereby allowed three days' pay from and including January seventh, as temporary Page, at a per diem the same as the other Pages, to be paid out of the Contingent Fund of the Senate.

Also, by Mr. Murphy:

Resolved, That the Controller be and he hereby is directed to draw his warrant in favor of A. S. Hopkins & Bro., for the sum of one dollar and twenty-five cents on the Contingent Fund of the Senate, on account of one sprinkling pot furnished for the use of the Senate; also, in favor of C. H. Rave, for the sum of twenty-two dollars and seventy-five cents, for repairing locks and furnishing keys for Senate Chamber; also, in favor of Smith & Muir, for the sum of sixteen dollars and fourteen cents, for gas fixtures furnished Sergeant-at-Arms' office.

Also, by Mr. Murphy:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to purchase two dozen chairs for the use of the Senate.

Severally referred to the Committee on Attachés, Contingent Expenses, and Mileage, without being read.

MOTIONS.

Mr. Fraser moved that when the Senate adjourn to-day, it do so until Monday, at two o'clock P. M.

Mr. Jones moved as an amendment, that the Senate adjourn to meet to-morrow for consideration of First Reading File.

So ordered.

LEAVE OF ABSENCE.

Messrs. Preston and Fraser were granted leave of absence until Monday.

Mr. Welch was also granted leave of absence.

ADJOURNMENT.

Upon motion of Mr. Jones, the Senate adjourned at five o'clock and forty-five minutes P. M.

IN SENATE.

SENATE CHAMBER,

Saturday, February 2, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Britt, Caminetti, Campbell, Crandall, Dray, Flint, Greely, Hamill, Hinshaw, Jones, McGowan, Murphy, Pinder, Spellacy, Sprague, and White.

No quorum.

CALL OF THE SENATE.

No quorum being present, Mr. Caminetti moved a call of the Senate.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Britt, Caminetti, Campbell, Crandall, Dray, Flint, Greely, Hamill, Hinshaw, Jones, McGowan, Murphy, Pinder, Spellacy, Sprague, and White.

ADJOURNMENT.

No quorum being present on call of the Senate, Mr. White adjourned the Senate until Monday, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER,

Monday, February 4, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

READING OF JOURNAL.

Journal of Friday read and approved.

Journal of Saturday read and approved.

PETITIONS.

By Mr. Dargie: A petition with fifteen thousand signatures from the Woman's Christian Temperance Union of Southern California, asking that the Penal Code be amended to the effect that "the age of consent" in females be raised to eighteen years, and also the enactment of laws for the prohibition of seduction and prostitution.

Also, a petition with four thousand five hundred signatures from the California Woman's Christian Temperance Union, asking for the enactment of a law to prohibit the sale of tobacco to minors.

The following petitions in regard to the London Exhibit, which had been received by the Chair, were ordered printed in the Journal:

CHICO, February 2, 1889.

To Hon. Stephen M. White, President of the Senate:

At a meeting of the business and representative citizens of Chico, held at the town hall last evening, the following resolutions were unanimously adopted:

Resolved, That the citizens of Chico, in meeting assembled, do hereby indorse the proposition of holding a grand exhibit of the products of California in the City of London, England, and request our Legislature to approve an appropriation of two hundred and fifty thousand dollars for the same.

Resolved, That copies of these resolutions be telegraphed to the Speakers of the Senate and Assembly.

WM. EARLL, President.
V. DAVID, Secretary.

LOS ANGELES, February 1, 1889.

To Hon. S. M. White, Sacramento:

A joint meeting urges you to support the London Exhibit Bill, appropriating two hundred and fifty thousand dollars.

E. GERMAIN, President Board of Trade.
E. W. JONES, President Chamber of Commerce.

OROVILLE, February 1, 1889.

To Hon. S. M. White, President of the Senate, Sacramento:

A resolution favoring the London Exhibit, and the two hundred and fifty thousand dollars asked, was unanimously carried at a meeting held here last night.

E. B. PRICE, Chairman.
S. S. BAYTON, Secretary.

RAISIN GROWERS' CONVENTION,
SAN FRANCISCO, January 21, 1889. }

To the members of the Senate of California, Sacramento, California:

WHEREAS, The yield of horticultural products of California is increasing yearly, and we must have greater outlets if the State is to continue to prosper; and whereas, the past season has shown that California raisins can compete in Europe with the Malaga product; and whereas, in order to bring this fact to the attention of the world; be it

Resolved, That the assembled raisin growers and makers of California strongly urge our legislators and Executive to pass and approve the bill appropriating two hundred and fifty thousand dollars, to enable California to make a great London exhibition; and be it further

Resolved, That a copy of these resolutions be forwarded to his Excellency the Governor, and to the Senate and Assembly, through the Secretary of this convention.

B. N. ROWLEY, Chairman Raisin Convention.
O. F. PIERCE, Secretary.

Also, the following:

At a public meeting held by the citizens of Red Bluff, at the Court House in said town, on the evening of February 2, 1889, the following resolutions were adopted:

Resolved, That we heartily indorse the proposition of making a grand exhibit of the products of California in the City of London, England, and ask the Governor and Legislature of the State of California to make an appropriation of two hundred and fifty thousand dollars for that purpose.

Resolved, That a copy of these resolutions be forwarded to his Excellency the Governor, the President of the Senate, and the Speaker of the Assembly.

L. V. HITCHCOCK, Chairman.

The following protests against the division of Los Angeles County were also received:

LOS ANGELES, January 28, 1889.

To S. M. White, Senate, Sacramento:

As owner of property in the lower part of the county, I protest, as do Los Angeles Board of Trade and Chamber of Commerce. See Damron.

M. L. WICKS.

LOS ANGELES, February 4, 1889.

To Hon. S. M. White, Sacramento:

The sentiment here is overwhelmingly against county division, especially if it should be sought to carry it by partial vote. If the measure passes at all, let it be submitted to a vote of the whole people of the county.

JOHN T. GAFFEY.
JOSEPH D. LYNCH.

ANAHEIM, January 30, 1889.

Resolved by the Board of Trustees of the City of Anaheim, That we are unalterably opposed to the division of Los Angeles County, and we believe that this is also the sentiment of a majority of the people of the proposed new County of Orange and of nine tenths of the people in Los Angeles County.

Resolved, That our representatives in the Legislature be requested to use all honorable means to defeat Assembly Bill No. 61.

This is to certify, that at a regular meeting of the Board of Trustees of the City of Anaheim, held on the above date, the foregoing resolutions, after being duly read, were, on motion of Mr. Theod. Reiser, seconded by Mr. Sheldon Littlefield, adopted by the following vote: Ayes—Messrs. Goldthwaite, Reiser, Boege, and Littlefield; noes—none.

The Clerk was requested to forward a certified copy to our representatives at Sacramento.

M. NEBELUNG, City Clerk.

Also, the following petitions from the Chamber of Commerce of Los Angeles:

To the Los Angeles Chamber of Commerce:

Your committee, to whom was referred the subject of memorializing the Legislature upon the subject of an amendment to the State Constitution abolishing the taxation of mortgages, beg leave to report the following petition, and recommend that it be adopted, and forwarded to our representatives.

For the Committee:

JOHN HAYNES, Chairman.
A. W. HUTTON.
C. C. DAVIS.

To the honorable the Senators and Assemblymen of the State of California:

The Los Angeles Chamber of Commerce respectfully, but most earnestly, petitions the Legislature now in session to prepare and submit to the people for adoption, an amendment to the Constitution of this State, abolishing that provision requiring mortgagees to pay the tax on mortgages and deducting from the appraised values of the real estate the value of the mortgage—for the following among other reasons:

First—It is oppressive upon the mortgagor in that it does not relieve him of any burden, but on the contrary increases it by increasing the rate of interest beyond the amount of taxes from which he is relieved, inasmuch as the lender stipulates for a rate of interest in excess of the current rate of taxation to cover a possible increase of taxes, and to compensate the mortgagee for the trouble incident to the payment of taxes upon his mortgage.

Second—It operates to prevent foreign capital from being loaned upon mortgage in this State, because of the inconvenience and trouble attending the payment of taxes at a distance, and especially because of a want of knowledge of our system of taxation, times of

payment, penalties, administration of municipal and county governments, and limitations upon rates of taxations.

Third—For the same and similar reasons it tends to prevent capitalists in the money centers of our own State from lending upon mortgage in other portions of the State, and especially in the newer, more remote, and more needy portions.

Fourth—It diminishes by the amount of money loaned upon mortgage the taxable property of the State, inasmuch as the money so loaned is subject only to the mortgage tax, while the amount of the mortgage is deducted from the assessed value of the real estate, thus necessarily increasing the rate of taxation, and the rate of interest paid by the borrower.

Fifth—This provision of our present Constitution operates unequally as between different localities in the State, inasmuch as the taxable property in the city or county of the lender is reduced by the amount of the mortgage, while the taxable property of a different county or city where the mortgaged property is situated is not increased; yet the reduction of taxable property in one locality increases the rate of taxation for State purposes in every locality.

Sixth—We believe that all restrictions upon the lending and use of money which are not shown to be actually beneficial, are unwise and should be removed, and we confidently assert that no beneficial results can be shown to have followed the adoption of this provision of our Constitution, while experience proves that it is detrimental to the interests and progress of our State, and burdensome to those who are obliged to borrow money upon mortgages.

Also:

To the Los Angeles Chamber of Commerce:

Your committee, to whom was referred the subject of an amendment of the statutes so as to permit the semi-annual payment of taxes, beg leave to report the following petition, with the recommendation that it be adopted and forwarded to our representatives.

For the committee:

JOHN HAYNES, Chairman.
A. W. HUTTON.
CHAS. C. DAVIS.

To the Legislature of the State of California:

The Los Angeles Chamber of Commerce respectfully petitions your honorable body to amend the statutes of this State in regard to the payment of taxes so as to permit the taxpayer, at his option, to pay one half of his taxes at the time taxes are now required by law to be paid, and requiring the remainder to be paid on or before June twenty-fifth next ensuing.

We urge the following reasons for the proposed change:

First—Our present system withdraws from the people at one time, and in one payment, all the taxes required for the support of the State and county governments for a whole year in advance, thus withdrawing from circulation and from use by the people, unnecessarily, large amounts of money, causing serious depressions and disturbances in business.

Second—Under the proposed system the taxes paid in December would, to a large extent, get into circulation in the ordinary course of business before the second installment would become payable, thus enabling the taxpayer to use the same money for the payment of the remaining portion of his taxes.

Third—The system of semi-annual taxation has been tried in other States, notably in the State of Ohio, for many years, and has proved to be highly beneficial and satisfactory in every respect.

Fourth—If it be said that under the present custom of depositing the public moneys in banks that the money so paid finds its way back into circulation, we reply that this custom is in violation of law, and even if it were not, that the taxpayer, if required to borrow from the bank, is compelled to pay interest upon his own money for the benefit of the bank.

SENATE BILLS REPRINTED.

The Chair ordered the printing of one hundred and fifty additional copies of the following Senate Bills: Nos. 10, 22, 51, 64, 86, 137, and 152.

APPOINTMENT OF COMMITTEE.

The Chair appointed Messrs. Hamill, McGowan, and Jones as a committee, to confer with a similar Assembly committee, in regard to the claims of certain parties against the State of California, arising out of transactions with the United States.

REPORTS OF STANDING COMMITTEES.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Printing, to whom was referred the following Senate Bill No. 10—An Act to amend section five hundred and thirty of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

McDONALD, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

BRITT, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 5, 87, 140, 143, 144, 168, 217, and 287.

HAMILL, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of an Act entitled "An Act establishing a Political Code," approved March 12, 1872, in relation to salaries of the officers and employes of the Senate and Assembly.

Also, Senate Bill No. 441—An Act to amend section eight hundred and seventy-two of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses.

Also, Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JONES, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: A majority of your Committee on Finance, to whom was referred Senate Bill No. 388—An Act to create a Commission, provide for its management, and for the appointment of the members thereof, and to appropriate funds for the exhibit of the resources and products of the State of California at London, England—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

• A minority report that same do not pass.

MOFFITT, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bills Nos. 22 and 441, relative to annexation and public parks, respectively—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 413—An Act making an appropriation for the contingent expenses of the twenty-eighth session of the Legislature—and have this day placed the same in the hands of the Governor.

Also, Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors—and have this day placed the same in the hands of the Governor.

MEAD, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with a substitute therefor, and recommend that the committee's substitute do pass.

Also, Senate Bill No. 248—An Act entitled an Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor.

Also, Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIAMS, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 2, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valerrio—offer a substitute for the same, and recommend that said substitute do pass.

Also, Senate Bill No. 163—An Act to pay the claim of Richard O'Connor for the permanent injury of his horse—offer a substitute for the same, and recommend that said substitute do pass.

Also, Senate Bill No. 284—An Act authorizing the payment of the claim of Michael Cread—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention—have had the same under consideration, and respectfully report the same back without recommendation.

Also, Senate Bill No. 215—An Act to appropriate money to pay the claim of Bartoli Sepulveda, his executors, administrators, or assigns, for unlawful imprisonment.

Also, Senate Bill No. 270—An Act providing for the payment to Louisa Koehler, of damages for the loss of her husband, Herman Koehler, killed by a prisoner at San Quentin, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 99—An Act to pay the claim of Enoch V. Strout.

Also, Senate Bill No. 100—An Act to authorize the Controller to issue a duplicate Controller's warrant.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MEANY, Chairman.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 378—An Act to add a new section to the Penal Code, relative to the prohibition and prevention of the use of all acids or solutions of acids in the manufacture of hermetically sealed tin cans used for canning purposes, to be known as section two hundred and forty-six—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRICELAND, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 2, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 380—An Act to add an additional section to title three, part two, division four, of the Civil Code of this State, relating to assignments for the benefit of creditors.

Also, Senate Bill No. 156—An Act to amend section one thousand three hundred and thirteen of the Civil Code, relating to wills.

Also, Senate Bill No. 157—An Act to repeal sections one thousand and ninety-three, one thousand and ninety-four, one thousand one hundred and eighty-six, and one thousand one hundred and ninety-one of the Civil Code, relating to acknowledgments of married women.

Also, Senate Bill No. 158—An Act to amend section one thousand one hundred and eighty-seven of the Civil Code, relating to conveyances by a married woman.

Respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, at the City of Marysville, in the County of Yuba, to the opposite bank of said river, a free bridge—and respectfully report the same back with a substitute, and recommend the substitute do pass.

Also, Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes—and respectfully report the same back, with a majority report that it do pass, and a minority report that it do not pass.

Also, Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers for school moneys left on deposit with him, aggregating the sum of \$53,752 77.

Also, Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, to define their powers and duties.

Also, Senate Bill No. 257—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and eight, relative to the sale or furnishing of tobacco and manufactures of tobacco to persons under sixteen years of age.

And respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 313—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872—and respectfully report the same back, as amended, without recommendation.

Also, Senate Bill No. 302—An Act to amend section one thousand three hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to devises for charitable uses—and respectfully report the same back, without recommendation.

Also, Senate Bill No. 153—An Act to amend section two thousand two hundred and eleven of the Political Code of the State of California, relating to the commitment of persons to the insane asylum, approved March 12, 1872.

Also, Senate Bill No. 159—An Act to amend section one hundred and seventy-two of the Civil Code, relating to the disposition of community property.

Also, Senate Bill No. 195—An Act to add a new section to the Civil Code, to be numbered three thousand four hundred and seventy-four, and to amend section three thousand four hundred and seventy-one of said Code, all in relation to assignments for the benefit of creditors.

Also, Senate Bill No. 217—An Act to further provide for the care and guardianship of homeless, neglected, or delinquent minors.

Also, Senate Bill No. 307—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Also, Senate Bill No. 308—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Also, Senate No. 312—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

And respectfully report the same back, and recommend that they do not pass.

JONES, Chairman.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your special committee, appointed to act in conjunction with a similar committee from the Assembly, to make the necessary arrangements for a joint memorial session in respect to the memory of the late Governor Washington Bartlett, beg leave to report: That the services will take place in the Assembly Chamber, on Wednesday, February sixth, at two o'clock p. m.; that Hon. John P. Irish will deliver the oration; that a number of engraved invitations have been sent to Federal, State, and County officers, and to such other prominent officials as your committee deemed advisable; that Mr. F. J. Zeelandelaar has been selected to act as Secretary of the joint committees.

Respectfully submitted.

A. YELL.
P. J. MURPHY.
F. C. DE LONG.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA; }
SACRAMENTO, February 4, 1889. }

To the Senate of the State of California:

I beg to inform your honorable body that, on February 2, 1889, I approved Senate Bill No. 413—An Act making an appropriation for contingent expenses of the Senate.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.:

Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employés.

Assembly Bill No. 74—An Act to amend section two thousand six hundred and fifty-three of the Political Code of the State of California, relating to public highways.

Assembly Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

Assembly Bill No. 103—An Act to provide for certain improvements and repairs at the Napa State Asylum for the Insane, and making an appropriation therefor.

Assembly Bill No. 102—An Act to provide for the construction and furnishing of two infirmaries at the Napa State Asylum for the Insane, and making an appropriation therefor.

ED. E. LEAKE, Chief Clerk.

By H. HART, Assistant Clerk.

Senate Bill No. 11 was ordered to enrollment.

Assembly Bill No. 74 was referred to the Committee on Roads and Highways.

Assembly Bill No. 228 was referred to the Committee on Education.

Assembly Bill No. 90 was referred to the Committee on Judiciary.

Assembly Bill No. 103 and Assembly Bill No. 102 were referred to the Committee on Finance.

Also, the following message :

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

ED. E. LEAKE, Chief Clerk.

By J. O. BEALE, Assistant Clerk.

Senate Bill No. 63 was ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were received, read by title, and referred to appropriate committees:

By Mr. Bowers: Senate Bill No. 467—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to the sale of school lands.

Referred to Committee on Judiciary.

By Mr. Briceland: Senate Bill No. 468—An Act to regulate the practice of medicine and surgery in the State of California.

Referred to Committee on Hospitals.

By Mr. Roth: Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Referred to Committee on Judiciary.

By Mr. Britt (by request): Senate Bill No. 470—An Act relating to the time of commencement of actions for the recovery of real property.

Referred to Committee on Judiciary.

By Mr. Flint: Senate Bill No. 471—An Act defining the rights of pre-emption and homestead claimants on public lands of the United States within the State of California.

Referred to Committee on Judiciary.

By Mr. McComas: Senate Bill No. 472—An Act for the protection of trees, plants, and vines from insect pests.

Referred to Committee on Agriculture.

By Mr. McGowan (by request): Assembly Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code.

Referred to Committee on Public Morals.

By Mr. Caminetti: Senate Bill No. 474—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

Referred to Committee on Irrigation.

Also, Senate Bill No. 475—An Act to amend sections three hundred and forty-three and four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved April 23, 1880, relating to the number and designation of the civil executive officers, and also relating to the salary of the Clerk of the Treasurer of State, and equalizing and changing the title of clerk to that of bookkeeper, the same with the salary paid the bookkeeper for the other State officers.

Referred to Committee on Judiciary.

By Mr. Byrnes (by request): Senate Bill No. 476—An Act conferring certain additional powers and duties upon city, county, and city and county, and township Assessors.

Referred to Committee on Counties, County Government, and Township Organization.

Also (by request), Senate Bill No. 477—An Act to provide for the making of maps showing the description of lands embraced in the grants thereof, and otherwise.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Meany: Senate Bill No. 478—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors in less quantities than five gallons.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Jones (by request): Senate Bill No. 479—An Act to amend section three thousand nine hundred and twenty-two of the Political Code, relative to the boundary line of the County of Butte.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. White (by request): Senate Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to compensation of trustees.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 481—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new article thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Referred to Committee on Judiciary.

Also, Senate Bill No. 482—An Act to amend sections one hundred and ninety-eight, two hundred and five, and two hundred and six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties competent and qualified to act as jurors, and to the mode and manner of selecting such jurors.

Referred to Committee on Judiciary.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.
Passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commissioners for the thirty-ninth and fortieth fiscal years.

Mr. Moffitt moved to pass Senate Bill No. 55 on file.

So ordered.

Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Title read and approved.

Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Passed on file.

Senate Bill No. 287—An Act to provide for fitting up in the basement of the State Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—Messrs. Dargie, De Long, Flint, Pinder, and Yell—5.

Title read and approved.

Senate Bill No. 87—An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Title read and approved.

Senate Bill No. 144—An Act to appropriate money for the completion and furnishing the building of the Northern Branch State Normal School at Chico.

Mr. Campbell moved to postpone the consideration of Senate Bill No. 144 until the commission could be investigated by the Committee on Labor and Capital.

Upon Mr. Campbell's motion, the ayes and noes were demanded by Messrs. Campbell, Dargie, and Britt, with the following result:

AYES—Messrs. Campbell, Goucher, Hamill, and Moffitt—4.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

Senate Bill No. 144 read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—Messrs. Campbell and Moffitt—2.

Title read and approved.

Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—Mr. Campbell—1.

Title read and approved.

Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Bill read third time.

Mr. Moffitt moved a new roll call on the passage of Senate Bill No. 5.

So ordered.

Bill voted upon.

Mr. Yell changed his vote from no to aye.

Mr. White explained his vote as follows: "I vote 'no' because, in my judgment, the Act is in conflict with article four, section twenty-five, subdivision fourteen, of the Constitution of California."

Bill passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, DeLong, Dixon, Dray, Flint, Hamill, Heacock, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, Wilson, and Yell—28.

NOES—Messrs. Goucher, Greely, Hinshaw, Jones, McDonald, McGowan, Sprague, and White—8.

Title read and approved.

Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced concerning real estate in the territory taken from those counties and added to that of the County of San Benito, by an Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, DeLong, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

The committee recommended the following substitute for Senate Bill No. 91, which was adopted:

An Act to amend sections three thousand and seventy-seven, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand and seventy-seven of said Act to establish a Political Code is amended so as to read as follows:

Section 3077. All persons registering marriages, births, or deaths must, at the close of every calendar month, file with the County Recorder a certified copy of their registers. Each certificate must certify, as nearly as may be ascertained, the name in full, age, occupation, term of residence in the city or county, birthplace, condition, whether single or married, widow or widower, sex, race, color, last place of residence; and also, when of accidents, the cause of death; and also, when of births, the sex and color of the child, and name and nativity of parents. Each person filing such copy is entitled to a compensation of twenty-five cents for each birth, marriage, or death so recorded, and the Recorder must give a certificate of such filing to the person entitled thereto, stating the number of deaths, marriages, or births so recorded, and the amount due therefor. Upon the presentation of the Recorder's certificate to the County Auditor, he must deliver at once, without any order of the Board of Supervisors, a warrant for the sum due, payable out of

the General Fund of the County Treasury, and the County Treasurer is directed to pay the same. The Auditor must report the amount of warrants so drawn each month to the Board of Supervisors.

SEC. 2. Section three thousand and eighty of said Act to establish a Political Code is amended so as to read as follows:

Section 3080. The County Recorder, at the close of each month, must transmit to the Secretary of the State Board of Health, at Sacramento City, a certified abstract of the register of births, marriages, and deaths, prepared in the manner prescribed by the Secretary, and upon blanks furnished by him.

SEC. 3. Section three thousand and eighty-two of the Act to establish a Political Code is amended so as to read as follows:

Section 3082. Every person on whom a duty is imposed by this chapter, a punishment for the violation of which is not otherwise provided, who willfully fails, refuses, or neglects to perform the same, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding fifty dollars. One half of said fine shall be paid into the General Fund of the County Treasury, and one half shall be paid to the District Attorney prosecuting said action. The Secretary of the State Board of Health and County Recorders must inform the District Attorneys of the neglect of any duty prescribed by this chapter coming to their knowledge.

Adopted.

Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

The committee recommended the following amendments, which were adopted:

Amend section three, line two, of the printed bill, to read as follows: The said Trustees or Board must within sixty days after the passage of this Act, and every year thereafter, ascertain the number of children or persons in their respective school districts or subdivision of the City School Government, being of an age suitable to attend common schools, who have not been already vaccinated, and make a list of the names of all such children or persons.

It also shall be the duty of said Trustees or Board to provide for the vaccination of all such children or persons in their respective school districts, a good and reliable vaccine virus wherewith to vaccinate such children or persons who have not been vaccinated, and when so vaccinated to give a certificate of vaccination, which certificate shall be evidence thereof for the purpose of complying with section one.

Mr. Murphy moved to amend section five by striking out "twenty-one" where it occurs in line four, page two, of printed bill, and insert in lieu thereof "seventeen."

Adopted.

The committee offered the following amendment:

Section six of original bill stricken out, and the following in lieu thereof: It shall be the duty of the State Board of Health to provide good and reliable vaccine virus to the Trustees of the several school districts in this State, or other Boards governing common schools. The expense thereof shall be paid by the several school districts, as provided in section four hereof.

Lost by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Dixon, Hamill, McDonald, Mead, Meany, Moffitt, Roth, Williams, and Yell—16.

NOES—Messrs. Caminetti, Campbell, Dargie, De Long, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, McGowan, Murphy, Pinder, Sprague, Welch, and White—16.

Mr. Murphy moved to recommit the bill to the Committee on Hospitals, for the purpose of removing certain objectionable features.

Lost.

Mr. Meany moved to amend the bill, as follows:

Amend, in line five, page two, printed bill, by striking out the word "successfully;" also, in line thirteen, section three, page two, printed bill, strike out the words "success of the."

Upon the amendments offered, Messrs. Goucher, Meany, and Sprague demanded the ayes and noes, and the amendments were lost by the following vote:

AYES—Messrs. Banks, Campbell, Crandall, Goucher, Jones, Meany, Murphy, Preston, Sprague, White, and Williams—11.

NOES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Roth, Welch, and Wilson—23.

Mr. Hamill moved to amend, as follows :

Add to line five, section one, the words "*provided*, that any practicing and licensed physician may certify that the child or person has used due diligence, and cannot be vaccinated so as to produce a successful vaccination, whereupon such child or person shall be excepted from the operation of this Act."

Adopted.

The bill, as amended, was ordered to engrossment and to a third reading.

Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Mr. Wilson moved to amend, as follows :

In line six, section one, insert the word "therefor" after the word "permit."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Passed on file.

Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

Mr. White moved to amend by striking out section eighteen.

Adopted.

Mr. Goucher moved to strike out "19" and insert "18" in section nineteen.

Adopted.

Mr. Goucher moved to strike out "20" in section twenty and insert in lieu thereof "19."

Adopted.

Bill, as amended, ordered engrossed and to third reading.

ADJOURNMENT.

Upon motion of Mr. Goucher, the Senate adjourned at five o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 5, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by Rev. L. N. Early.

READING OF JOURNAL.

Journal of Monday read and approved.

MOTIONS.

Mr. Moffitt moved that a committee of three be appointed to confer with the Journal Clerk, and investigate the workings of his office.

Mr. Goucher moved, as an amendment, that a committee of three be appointed to investigate the Journal Clerk's office, and report to the Senate forthwith.

Mr. Moffitt accepted the amendment, and the same, as amended, was adopted under a suspension of the rules.

The Chair appointed as such committee Messrs. Moffitt, Heacock, and Caminetti.

PRESENTATION OF PETITIONS.

OAKLAND TYPOGRAPHICAL UNION, No. 36.

At a special meeting of this Union, held on Sunday, February 3, 1889, the following resolutions were introduced and unanimously passed:

WHEREAS, There is at present pending before the Legislature of this State a measure to make elective by direct vote of the people the office designated as Superintendent of State Printing; and whereas, this proposed method of choice of a State Printer has been adopted by a number of States in the Union, with universal success, and as we believe it to be, in fact, the only fair and just way to secure competent workmen and satisfactory work, with the best results to the State; therefore,

Resolved, That Oakland Typographical Union, No. 36, urge upon the representatives of this county in said Legislature the importance of this measure, and invoke their favorable consideration, and ask their earnest support of the bill now pending, to the end that it may become a law.

Resolved, That the Secretary of this Union be instructed to forward immediately copies of these resolutions to the honorable gentlemen, Senators F. J. Moffitt, W. E. Dargie, and M. W. Dixon, and Assemblymen Joseph McKeown, William Simpson, M. D. Hyde, E. S. Culver, M. C. Chapman, and C. O. Alexander, representing this county in the Senate and Assembly.

W. H. KELSEY, President.
JOHN P. TYRRELL, Secretary.

Referred to Committee on Public Printing.

To the honorable members of the Legislature, respectfully:

GENTLEMEN: A meeting of property owners on the Mission Road was held on Friday evening, February 1, 1889, to request your honorable body to assist in the removal of two of the present Commissioners appointed in regard to the "widening of the Mission Road"—namely, Messrs. J. J. Healy and George Smith, as we do not think they are the proper persons to represent the interests of the small owners in this matter. They were appointed at the instance of several large land owners and the railroad company, we having no voice whatever in their selection, and we claim, and justly, too, that our claims, without proper representation, would be very slightly treated.

The small owners on the southeast side of the road, from Twenty-sixth Street to Courtland Avenue, nearly all of whom have their little homes built upon, especially would suffer a great hardship if the bill, as introduced by Hon. T. V. O'Brien, should be passed.

We claim that as this is a public improvement for the benefit of the city and county at large, as well as the residents of the road, the pro rata of expense should be borne by the city and county.

We respectfully request that you give ear to our petition and afford us the protection we pray for. We are without representation in your honorable body, but we know you cannot but give us justice in regard to this measure.

We trust that our friends in your honorable body will look keenly into this matter, and protect us from an injustice that will surely occur without your protection.

Once more relying on your fairness and love of equal rights to all, we subscribe ourselves as follows.

[Signed by twenty-two names.]

Referred to Committee on City, City and County, and Town Government.

SAN FRANCISCO, February 4, 1889.

To the honorable Senators and Assemblymen of California :

HONORABLE SIRS: The undersigned petitioner, a resident citizen and taxpayer of this State for many years, begs to submit the following to your early and earnest consideration:

My only child, born deaf and dumb, has been an inmate of the Institution for the Deaf and Dumb in this State for upwards of seven years, during which time I visited her at the institution every week, and have acquired a thorough knowledge of its benefits, efficiency, and its wants. I have very frequently come in contact with parents and guardians of the unfortunate inmates, and by common consent of the majority of them, have been selected to present this petition to your honorable body.

We regard the Institution for the Deaf, Dumb, and Blind, the greatest benefaction vouchsafed by this State upon the most unfortunate beings imaginable. It is managed with the greatest care and best judgment. The inmates are treated with kindness and paternal affection, and their affliction alleviated as far as it lies in human power so to do. The steady growth of this State has taxed the institution beyond its capacity, and it has become absolutely necessary to increase its facilities to render them adequate to the present requirements. The institution is the greatest credit to our State, and has been so pronounced by the most competent judges from all parts of the Union who have visited it. But its usefulness must be enlarged, and the inmates afforded an opportunity to fit them to procure a livelihood after they leave the institution; and accommodation must be provided for the crowded inmates and the unfortunates who seek admission, many of whom are orphans, and some objects of charity.

The bill now before the Legislature in behalf of the institution deserves your every consideration, nor is there a nobler or more meritorious measure to be passed upon that can possibly be conceived.

One hundred reputable citizens of this State, who take a deep and earnest interest in the institution, join in the prayer that you may pass the bill now before you to increase the usefulness of the Institution for the Deaf, Dumb, and Blind.

Very respectfully,

SIMON MUCHA,
905 Market Street.

Referred to Committee on Public Buildings other than Prison Buildings.

MOTION TO RECONSIDER.

Mr. Goucher moved to reconsider the vote by which the Rules were amended to read that on and after February 15, 1889, the Senate should meet at ten o'clock A. M. and take a recess from twelve o'clock M. to one o'clock and thirty minutes P. M., provided that on Monday the Senate meet at two o'clock P. M.

So ordered.

Mr. Goucher moved, as an amendment, that the day upon which the change shall take effect shall be February eighth, instead of February fifteenth.

The rule, as amended, was adopted by the following vote :

AYES—Messrs. Banks, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Welch, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Boggs, Briceland, and Flint—3.

REPORTS OF STANDING COMMITTEES.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 402—An Act to establish a State reformatory for minors, and to provide for the maintenance and management of the same—have had the same under consideration, have adopted a substitute therefor, prepared and submitted by the author, and report the same back, recommending the passage of the substitute. On the matter of location, however, your committee disagree, a majority favoring one, in the County of Amador, and a minority favoring Folsom, in Sacramento County, as most suitable for the location of said institution.

GOUCHER, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 7—An Act to amend sections six hundred and twenty-five and six hundred and forty-one of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also, Senate Bill No. 71—An Act to amend section one of an Act entitled an Act relating to foreign corporations.

Also, Senate Bill No. 73—An Act to amend section one thousand four hundred and twenty-two of the Penal Code, regarding reprieves, commutations, and pardons, and to more effectively regulate the procedure relating thereto.

Also, Assembly Bill No. 60—An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court for a Special Grand Jury.

Respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 96—An Act to amend section seven hundred and fifty-three of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court and to the Supreme Court Library Fund.

Also, Senate Bill No. 274—An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State—respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 149—An Act to add a new section to the Penal Code, to be known and designated as section five hundred and fifty-six, relating to the collection of illegal water rates.

Also, Senate Bill No. 208—An Act to amend sections forty-seven and forty-eight of the Civil Code of the State of California, relating to libel and slander.

Respectfully report the same back without recommendation.

Also, Senate Bill No. 75—An Act to provide correct conveyancing—respectfully report the same back, and recommend that it do not pass.

Also, have had under consideration Senate Constitutional Amendment No. 5—An amendment to sections two and three of article six of the Constitution—and recommend that the same be adopted.

JONES, Chairman.

MOTION.

Mr. Jones moved to recommit Senate Bills Nos. 338 and 339 to Committee on Judiciary.

So ordered.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 128—An Act to amend section two thousand nine hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the duties of the State Board of Health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

JONES, Chairman.

COMMITTEE AMENDMENTS.

The committee offered the following amendments to Senate Bill No. 128:

Amend the title as follows: "An Act to authorize the State Board of Health to eradicate and prevent the spread of contagious and infectious diseases among domestic animals."

Strike out everything after the word "quarantined," in line twenty-nine of printed bill, down to and including the word "disinfected," in line thirty-six.

Also, in line forty-eight, strike out the words "or property." Strike out the words "or property," in line fifty-one. In line twelve, in section one, strike out the words "authorized agent," and insert in lieu thereof the words "State Veterinarian." In line nineteen, section one, strike out the words "not to exceed thirty days." In line four of section three, strike out the word "his," and insert in lieu thereof the word "the." In line twelve, section three, strike out the word "full." In line five, section four, after the word "which," strike out all down to and including the word "species." In line six of same section strike out all after the word "thereof," down to and including the words "per head," in line nine. In line six, after the word "thereof," add the words "not to exceed the sum of one hundred dollars per head." Strike out the whole of section six.

Add the following section to the bill:

Sec. 6. In addition to the salaries and other expenses provided for by sections two thousand nine hundred and eighty-two and two thousand nine hundred and eighty-three of the Political Code, and the per diem and expenses of the State Veterinarian and his assistants, as herein provided, the State Board of Health shall be allowed and paid such necessary expenses as may be incurred by them in carrying out the provisions of this Act, not exceeding the sum of four thousand dollars per annum.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 420—An Act to provide for the deficiency in the appropriation of forty-six dollars and fifty cents for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 12—Relating to the matter of the payment of Indian depredation claims—have had the same under consideration, and respectfully report the same back, and recommend its adoption.

BRITT, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 288—An Act to establish a uniform State, county, city and county, or municipal tax for the retail sale of spirituous, malt, fermented, or vinous liquors in less quantities than five (5) gallons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Senate Bill No. 418—An Act to provide for furnishing the boiler house, and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Also, Senate Bill No. 419—An Act to provide for the erection of new buildings, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BRICELAND, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Nos. 78, 89, 92, and a Substitute for Senate Bill No. 91.

GREELY, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Chairman of Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove be allowed a stenographer, who shall receive for his services the pay now allowed by law for stenographers in Superior Courts.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment that the services of such stenographer be employed only when necessary.

Also:

Resolved, That Willie B. Ayer be and he is hereby allowed three days' pay from and including January seventh as temporary Page, at a per diem the same as the other Pages to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Controller be and he is hereby is directed to draw his warrant in favor of A. S. Hopkins & Bro. for the sum of one dollar and twenty-five cents on the Contingent Fund of the Senate, on account of one sprinkling pot furnished for the use of the Senate; also, in favor of C. H. Rave, for the sum of twenty-two dollars and seventy-five cents, for repairing locks and furnishing keys for Senate Chamber; also, in favor of Smith & Muir, for the sum of sixteen dollars and fourteen cents, for gas fixtures furnished Sergeant-at-Arms' office.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to purchase two dozen chairs for the use of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

The resolutions, as reported, were severally adopted.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly and referred to the Committee on Counties, County Government, and Township Organization:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

ED. E. LEAKE, Chief Clerk.

By J. O. BEALE, Assistant Clerk.

Also, the following message, which was referred to the Committee on Irrigation and Water Rights:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the Substitute for Assembly Bill No. 130—An Act to amend sections ten, eighteen, nineteen, twenty, twenty-one, and twenty-two of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments for vacancies, and to assessments of real property.

Also, Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of

water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Also, Assembly Bill No. 340—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts by including other lands therein.

ED. E. LEAKE, Chief Clerk.

By J. O. BEALE, Assistant Clerk.

Mr. Meany withdrew Senate Bill No. 356 (No. 94 on the file), and Senate Bill No. 379 (No. 95 on file), and moved to substitute therefor Assembly Bills Nos. 335 and 340, respectively.

So ordered.

Assembly Bill No. 130 was referred to Committee on Irrigation and Water Rights.

Also, the following message, which was referred to the Committee on Judiciary:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 20—An Act to amend section one hundred and twenty-eight of the Civil Code of the State of California, relative to actions in divorce cases.

ED. E. LEAKE, Chief Clerk.

By H. HART, Assistant Clerk.

Mr. Goucher withdrew Senate Bill No. 195.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. McDonald: Senate Bill No. 483—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to rates of pilotage.

Referred to Committee on Commerce and Navigation.

By Mr. Bowers: Senate Bill No. 484—An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Heacock: Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

Referred to Committee on Judiciary.

By Mr. Campbell: Senate Bill No. 486—An Act defining a day's labor on all public work in the State of California, and to equalize the remuneration therefor.

Referred to Committee on Labor and Capital.

By Mr. Dixon: Senate Bill No. 487—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Pinder: Senate Bill No. 488—An Act requiring corporations and persons doing a banking business in this State to file with the Controller of State statements showing moneys on deposit with them to which no claims have been made within ten years, and authorizing the Attorney-General to institute proceedings to ascertain its ownership.

Referred to Committee on Corporations.

Also, Senate Bill No. 489—An Act to require persons and corporations owning or operating street railroads upon or over which cars are propelled by means of wire ropes or other machinery running underground and propelled by stationary or other engines through or over the streets of cities, cities and counties, or towns, to file statements of annual profits, and providing for the payment and collection of a license for conducting such business.

Referred to Committee on Corporations.

By Mr. McComas: Senate Bill No. 490—An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California.

Referred to Committee on Hospitals.

By Mr. McGowan: Senate Bill No. 491—An Act to amend section two hundred and forty-five of the Political Code, relating to the officers and employés of the Senate.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 492—An Act to establish a uniform system of fees of office in counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith.

Referred to Committee on Judiciary.

Also, Senate Bill No. 493—An Act to amend section one hundred and seventy-one of "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of officers in counties of the ninth class.

Referred to Committee on City, City and County, and Town Governments.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.
Passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Mr. Goucher in the chair.

MOTION.

Mr. White moved to commit the bill to Mr. Moffitt, with instructions to strike from said bill the following words: "three thousand six hundred and sixteen dollars and fifty-five cents (\$3,616 55)," and substitute in lieu thereof the following: "three thousand dollars (\$3,000)."

So ordered.

REPORT OF COMMITTEE.

Mr. Moffitt, of committee, reported the bill amended, as requested.
Bill ordered reëngrossed and reprinted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Mr. White in the Chair.

Bill read third time, and passed by the following vote:

AYES—Messrs Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—37.

Title read and approved.

Senate Bill No. 91—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths and marriages.

Mr. Briceland moved to refer the bill to a committee of one, consisting of himself, to amend the bill as follows: In line three, section three, insert the word "upon" in lieu of the word "on."

Adopted.

Committee reported the bill amended in accordance with the motion.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—Non

Title read and approved.

Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dix, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Pinder, Roth, Sprague, Welch, Williams, and Yell—29.

NOES.—Messrs. White and Wilson—2.

Title read and approved.

Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, and Yell—32.

NOES—Mr. Wilson—1.

Title read and approved.

RECESS.

At twelve o'clock and thirty minutes, the Senate took the usual recess until two o'clock P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. White in the chair.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

Mr. Yell moved to strike out the enacting clause.

Mr. Goucher in the chair.

Mr. Dray moved to defer the special order set for two o'clock and fifteen minutes P. M. until the subject-matter before the Senate be disposed of.

So ordered.

Mr. White moved to recommit the bill to the Committee on Judiciary, to remove objectionable features therein.

Mr. Yell withdrew his motion to strike out the enacting clause.

Upon Mr. White's motion, the roll was demanded by Messrs. Welch, Britt, and Bowers, with the following result:

AYES—Messrs. Banks, Boggs, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Bowers, Briceland, Murphy, and Sprague—4.

LEAVE OF ABSENCE.

Mr. Greely was granted leave of absence for the remainder of the day.

Mr. White in the chair.

SPECIAL ORDER.

The special order for two o'clock and fifteen minutes P. M., Senate Constitutional Amendment No. 2—To propose an amendment to article thirteen, section twelve, of the Constitution of the State of California—was called up.

The committee offered the following as a substitute for the amendment:

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed, and soldiers and sailors in the army and navy of the United States, or who have been honorably discharged therefrom. Said tax shall be paid into the State School Fund.

Mr. Moffitt moved to defer the other special order, relative to the charter of the City of Stockton, until the present special order is disposed of.

So ordered.

The question being upon the adoption of the substitute, the same was lost.

Mr. Heacock moved to amend as follows:

Add at the end of the section the following: "Or from any honorably discharged soldiers or sailors of the armies and navies of the United States."

Adopted.

The question recurring upon the adoption of Senate Constitutional Amendment No. 2, the same was lost by the following vote:

AYES—Messrs. Banks, Britt, Campbell, Conklin, Crandall, Dray, Heacock, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Preston, Sprague, and Welch—16.

NOES—Messrs. Boggs, Bowers, Briceland, Caminetti, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greeley, Hamill, Hinshaw, Langford, Mead, Murphy, Pinder, Roth Spellacy, White, Williams, Wilson, and Yell—23.

Mr. Campbell asked leave to introduce a resolution out of order.

Mr. Moffitt raised the point of order that there was a special order set for this time.

The Chair decided the point well taken.

Mr. Moffitt moved that the special order set for this time, the consideration of Assembly Joint Resolution No. 4—Relative to a charter for the City of Stockton, in San Joaquin County—be made a special order for Thursday next, at two o'clock and fifteen minutes P. M.

So ordered.

RESOLUTIONS—(OUT OF ORDER).

Resolution by Mr. Campbell, ordered printed in Journal without reference:

WHEREAS, It is currently reported that the law is now violated by the Trustees of the State Normal School, who have been charged with the duty of superintending the erection of the building known as "The Northern Branch State Normal School," by having required the workmen employed on said building to work ten hours per day, in violation of the Constitution of the State, which makes the hours constituting a day's work eight; also, that those employed do not receive the full amount charged the State for the same; therefore, be it

Resolved, That a select committee of three be appointed by the President of the Senate to investigate the truth or falsity of these charges. The committee shall have full power to send for persons and papers, and may sit during the session of the Senate.

Resolutions by Mr. Murphy, referred to Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That John Breuner be and he hereby is allowed the sum of fifty-one dollars for two dozen chairs furnished this Senate, and the Controller is directed to draw his warrant therefor on the Contingent Fund of the Senate.

Also, by Mr. Murphy:

Resolved, That the Capital Ice Company be and the same is hereby allowed the sum of twenty-five dollars for ice furnished the Senate from the seventh to the thirty-first day of January, 1889, both days inclusive, and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

Resolution by Mr. Dray:

Resolved, That the Committee on Judiciary of the Senate is requested to examine and report whether any further legislation is necessary on the part of the State of California to the United States Government in the matter of Post Office and other public building sites necessary for the use of said Government, and if they find that more legislation is necessary, to report a bill for that purpose.

Referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., upon motion of Mr. Caminetti, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 6, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSE^{RS}. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Willson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev A. C. Bane.

RESOLUTION—(OUT OF ORDER).

Mr. Heacock offered the following resolution, and moved its adoption:

WHEREAS, By order of the Executive, the offices of the several departments of the State Government will be this day closed, and the flags on the Capitol lowered to half mast, at twelve o'clock meridian, in respect to the memory of our late Governor, the Hon. Washington Bartlett, deceased; therefore, be it

Resolved, That the hour for recess for this day be twelve o'clock meridian, instead of twelve o'clock and thirty minutes P. M., as fixed by the Rules of the Senate.

Adopted.

READING OF JOURNAL.

The Journal of yesterday was proceeding, when Mr. Moffitt moved that further reading be dispensed with.

So ordered.

PRESENTATION OF PETITION.

Mr. Williams presented the following petition, signed by three hundred residents of Sacramento:

The undersigned citizens of the City of Sacramento respectfully petition his Excellency the Governor and the Legislature of the State of California, to provide an appropriation of two hundred and fifty thousand dollars for the purpose of holding a grand exhibit of the products of the State of California in the City of London, England.

REPORTS OF STANDING COMMITTEES.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 8—An Act to propose an amendment to section two, of article four, of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also, Senate Constitutional Amendment No. 12—An Act to propose an amendment to section eleven, of article six, of the Constitution of the State of California, relative to the jurisdiction of Justices of the Peace—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also, Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of said State, relative to the right of suffrage—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 4, 1889.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 382—An Act to amend section six hundred and thirty-two of the Penal Code, approved February 14, 1872, relating to the preservation of fish and game—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 387—An Act to authorize the Board of Fish Commissioners to dispose of the steam launch Governor Stoneman, and to replace it by smaller boats, to be used as patrol boats—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

PINDER, Chairman.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings respectfully submit the following report:

On February second your committee visited the following institutions, located at the Cities of Berkeley and Oakland, in Alameda County, California.

The Home of the Deaf, Dumb, and Blind and the Home of the Adult Blind we find in an overcrowded condition, and in much need of additional buildings to accommodate the increasing demand for admission.

The broom factory attached to the Home of the Adult Blind is a poorly constructed wooden building, and from the inflammable nature of the material used in the manufacture of brooms, is in constant danger from fire and a standing menace to the surrounding buildings.

We respectfully suggest, in view of the above facts, the construction of a brick building provided with broad stairways and doors opening outward.

The State University buildings are in excellent condition, and commodious enough for all present wants.

Your committee respectfully reports that the following members of said committee are entitled to mileage for their visit to the Home of the Adult Blind, also to the Home of the Deaf, Dumb, and Blind, also to the State University situated in Alameda County, California:

Senator Conklin (whole number of miles, 182).....	\$18 20
Senator Dargie (whole number of miles, 182).....	18 20
Senator Moffitt (whole number of miles, 182).....	18 20
Senator McDonald (whole number of miles, 182).....	18 20
Senator Williams (whole number of miles, 182).....	18 20
Clerk Chauncey Clark (whole number of miles 182)	18 20

WILLIAMS, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 392—An Act to pay the claim of James W. Rankin, for services in the office of the State Treasury of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento.

Also, Senate Bill No. 443—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Also, Senate Bill No. 396—An Act to appropriate money to pay the claim of Max Gumpel, for services rendered to the State as an expert during the trial of John S. Gray.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 296—An Act for the relief I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MEANY, Chairman.

ON PUBLIC, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 33—An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and twenty-two, relating

to the formation of reclamation districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

LANGFORD, Chairman.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 26—An Act making appropriation for the purchase of an electric plant, pump and pipe, sewer pipes, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto—have had the same under consideration, have prepared a substitute therefor, and report the same back, recommending the passage of the substitute.

Also, Senate Bill No. 118—An Act to divide the State of California into two prison districts, for the purpose of reducing the expenses in the transportation of prisoners—have had the same under consideration, have made certain amendments thereto, and report the same back, recommending its passage, as amended.

GOUCHER, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 55.

HAMILL, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 365—An Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1890—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 198—An Act to authorize the establishment of county high schools and provide for their support—have had the same under consideration, and respectfully report the same back without recommendation.

CAMINETTI, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate bills have been correctly enrolled:

Senate Bill No. 63—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also, Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes.

And have this day delivered the same to the Governor.

MEAD, Chairman.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 260—An Act in relation to banks and banking—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 321—An Act to amend section four hundred and fifty-two of "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

BOGGS, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 144—An Act to amend section four hundred and forty-seven of the Civil Code of the State of California, relating to the valuation of policies of life insurance.

E. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Dixon: Senate Bill No. 494—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Referred to Committee on Agriculture.

By Mr. Murphy: Senate Bill No. 495—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages.

Referred to Committee on Judiciary.

Also, Senate Bill No. 496—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, one thousand one hundred and ninety-one, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Referred to Committee on Elections.

Also, Senate Constitutional Amendment No. 14—To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

Referred to Committee on Constitutional Amendments.

By Mr. Britt: Senate Bill No. 497—An Act to amend section ten of the Code of Civil Procedure of the State of California.

Referred to Committee on Judiciary.

Also, Senate Bill No. 498—An Act to amend section ten of the Political Code of the State of California.

Referred to Committee on Judiciary.

Also, Senate Bill No. 499—An Act to amend section seven of the Civil Code of California.

Referred to Committee on Judiciary.

By Mr. Welch: Senate Bill No. 500—An Act providing for the seizure, confiscation, and sale of real and personal property of persons discovered residing within the State of California in violation of the provisions of the Act of Congress known as the Scott Exclusion Act.

Referred to Committee on Judiciary.

Also, (by request): Senate Bill No. 501—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Referred to Committee on Claims.

By Mr. Pinder: Senate Bill No. 502—An Act prescribing the powers, duties, and rights of corporations, companies, associations, or persons fur-

nishing water to any city and county, city, or town, or to the inhabitants thereof, and to regulate water rates.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Goucher: Senate Bill No. 503—An Act to appropriate money for the purchase of the oil painting, by Thomas Hill, entitled "Driving the Last Spike."

Referred to Committee on Finance.

By Mr. McComas: Senate Bill No. 504—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887.

Referred to Committee on Judiciary.

By Mr. Wilson: Senate Bill No. 505—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section one thousand five hundred and forty-three, in relation to search warrants.

Referred to Committee on Judiciary.

Also, Senate Bill No. 506—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to shares of stock in corporations.

Referred to Committee on Judiciary.

Also, Senate Bill No. 507—An Act to amend sections eighty-five, ninety-seven, and one hundred and ten of the Code of Civil Procedure, relating to Justices' Courts, and the terms of office and salaries of Justices of the Peace and Justice's Clerk and Deputy, in cities and counties of more than one hundred thousand population.

Referred to Committee on Judiciary.

By Mr. Moffitt: Senate Bill No. 508—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Referred to Committee on Judiciary.

Also, Senate Bill No. 509—An Act to ascertain and express the will of the people of the State of California upon the subject of the repeal of the so called "Scott Chinese Exclusion Bill."

Referred to Committee on Elections.

By Mr. Preston (by request): Senate Bill No. 510—An Act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation.

Referred to Committee on Mines, Drainage, and Mining Debris.

PETITION—(OUT OF ORDER).

Mr. Hamill presented the following petition, signed by seven hundred residents of the City of San Francisco:

The undersigned respectfully petition his Excellency the Governor and the Legislature of the State of California to pass an appropriation of two hundred and fifty thousand dollars for the purpose of holding a grand exhibit of the products of the State of California in the City of London, England.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of California.

Passed on file.

Senate Constitutional Amendment No. 5—Constitutional Amendment—The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Passed on file.

THIRD READING.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Passed on file.

Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in this State, and to the bar, and to the people of the respective counties.

Passed on file.

SECOND READING.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Passed on file.

Also, Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Also, Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Severally read second time, ordered engrossed and to third reading.

Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to legal holidays.

Committee amendments as follows:

Amend title by inserting, in lieu of the present title, the following: "An Act to amend sections ten and one hundred and thirty-four of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to legal holidays and non-judicial days."

Adopted.

Add to said bill the following:

Sec. 2. Section one hundred and thirty-four of the Code of Civil Procedure is hereby amended so as to read as follows:

Section 134. No Court shall be open, nor shall any judicial business be transacted on Sunday, on the first day of January, on the twenty-second day of February, on the thirtieth day of May, on the fourth day of July, on the ninth day of September, on the twenty-fifth day of December, on a day in which an election is held throughout the State, or on a day appointed by the President of the United States, or by the Governor of this State, for a public fast, thanksgiving, or holiday, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict.
2. To receive a verdict or discharge a jury.
3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature, *provided*, that the Supreme Court shall always be open for the transaction of business; *and further provided*, that injunctions and writs of prohibition may be issued and served on any day.

Ordered engrossed and to third reading.

Senate Bill No. 147—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place of trial.

Read second time, ordered engrossed and to third reading.

Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Mr. Greely offered the following amendments:

Amend line three of section one, printed bill, by striking out the words "hold to," and inserting the words "grant."

Adopted.

Amend line five of section one, printed bill, by inserting the word "pass" between the words "and" and "judgment."

Adopted.

Amend section one, printed bill, from line fourteen to and including line seventeen, by striking out the sentence beginning "said Court," and ending at and including the words "Mayor's Courts."

Adopted.

Ordered engrossed and to third reading.

Senate Bill No. 105—An Act relating to the trial of actions for divorce. The committee offered the following substitute for Senate Bill No. 105:

An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending section one hundred and thirty of said Code, and adding a new section thereto, to be known as section one hundred and thirty-one, relating to trials of actions of divorce.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and thirty of the Civil Code is hereby amended to read as follows:

Section 130. No divorce can be granted on the default of the defendant, or upon the uncorroborated statement, admission, or testimony of the parties. The trial of all actions for divorce must be in the Court-room in which the action is pending.

SEC. 2. A new section is hereby added to the Civil Code, to be known as section one hundred and thirty-one, and which shall read as follows:

Section 131. In every action for divorce, in addition to service of the summons upon defendant, as required by law, a copy of the summons and of the complaint in said action must be immediately, after the issuance of summons, be served upon the District Attorney of the county in which the action is instituted, in the manner and in accordance with the provisions of section one thousand and eleven of the Code of Civil Procedure, who must be and appear personally or by his deputy at the trial of said action, which said trial shall not proceed until ten days after the service of summons and complaint on the District Attorney, as aforesaid; and it shall be the duty of such District Attorney to examine witnesses, address the Court upon any matter connected with the case to prevent fraud or collusion in such action, and to control the proceedings on the part of the defendant, unless the Court otherwise directs. Copies of all papers filed in the case, and written notices of all motions, and of times and places of hearing the same, and of trial of said action, must also be served upon the District Attorney. For such service the Court shall allow to the District Attorney, for his own use and benefit, such compensation as the Court, under all the circumstances, shall deem just, which compensation shall be paid by either or both of the parties to the action, as the Court may determine. No decree or judgment shall be entered in said action until compensation so allowed shall be paid.

Adopted.

Ordered engrossed and to third reading.

APPROVAL OF JOURNAL.

Journal of yesterday approved.

MOTIONS.

Mr. Caminetti moved that the Senate adjourn to meet at one o'clock and fifty-five minutes P. M.

So ordered.

Mr. Caminetti moved that the Senate also meet at seven o'clock and thirty minutes P. M. to-day, for the purpose of reading bills for the first time.

So ordered.

RECESS.

The hour of twelve o'clock having arrived, the Senate, pursuant to resolution, adjourned until one o'clock and fifty-five minutes P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Pursuant to joint resolution already adopted, the Senate was instructed to proceed to the Assembly Chamber and take part in the memorial services in honor of the late Governor Bartlett.

IN JOINT MEMORIAL SESSION.

Pursuant to concurrent resolution adopted January 12, 1889, both Houses of the Legislature of the State of California assembled at two o'clock P. M. in the Assembly Chamber in joint memorial session, the Governor and other State officers being present, in token of respect to the memory of the late Washington Bartlett, who was Governor of the State of California from January, 1887, to September, 1887.

The chamber was appropriately draped in mourning, and suspended over the Speaker's desk was the picture of the late Governor.

President pro tem. S. M. White, of the Senate, and Speaker Howe, of the Assembly, presided at the memorial services.

The President pro tem. of the Senate called the joint convention to order, and directed the Secretary of the Senate to call the roll of the Senate.

The roll was called, and the following Senators responded:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The President pro tem. of the Senate directed the Chief Clerk to call the roll of the Assemblymen.

The roll was called, and the following members responded:

MESSRS. Adams, Alexander, Atherton, Bangs, Berry, Black, Brannan, Brickwedel, Briery, Brown, Burnett, Burwell, Campbell, Chapman, Coleman, Coombs, Crawford, Culver, Damron, Davis, Dibble, Dinan, Dobbin, Edwards, Ewing, Fassett, Gardner, Hall,

Hart, Hersey, Holmes, Hook, Hyde, James, Johnson, Kiernan, LaGrave, Maher, Mahler, Mathews, McCarthy, McKeown, McMullin, McVay, Mulgrew, Mullaney, Mulvey, Murray of Humboldt, Ostrom, Petrie, Porter, Ragsdale, Reavey, Reavis, Regan, Renison, Reynolds, Rundell, Salomon, Searey, Seawell, Shanahan, Simpson, Staude, Storke, Sykes, Tucker, Tully, Tulloch, Turner, Whitehurst, Williams, Young, and Mr. Speaker.

At intervals during the services, the First Artillery Band of Sacramento rendered airs appropriate to the occasion.

Rev. A. C. Bane, Chaplain of the Senate, offered an opening prayer.

The President pro tem. of the Senate thereupon explained the object of the memorial session, and stated that Col. John P. Irish, of San Francisco, had been invited by the joint committee of arrangements to deliver the memorial address.

Mr. Irish then delivered the memorial address, as follows:

We have met, in this dignified presence, to pay the official respect due from California to the memory of a Governor who died in office. This action is the fitting supplement to the many private and individual expressions of regret and affection which followed the close, untimely, of his last and largest public relation to the people of this commonwealth, and his translation from service in its Capital to the rewards of the just in the Capital of the Universe.

I salute his constitutional successor with a sense of civic pride, and the second in succession, the presiding officer of the higher chamber of this honorable Legislature, with fraternal regard. And I hail them both as witnesses to the resources and immortality of our free institutions, which provide that sacred public trusts, for the maintenance of liberty, shall never fail for lack of a trustee.

This ceremony would be ceremony only, signifying nothing, did we fail to recall and consider and take to heart, some of the rich lessons of the life and the death that have deserved these formalities.

In this Government it is ordered that human liberty does not depend upon the favor of men, for it has been anchored in the law which is immortal. But here, as in all the earth, human virtue, and the qualities of honor and fidelity, are made to depend upon the good example of men who have held them above all things, priceless and better than life. That these elements of character are to have perpetual succession in the world can be proved only in one way, and this day is to be of record amongst the mass of evidence. That proof is that the sensibilities of men are quickened, and their spirits are lifted in the presence of the upright man, or in the contemplation of his memory, and from him they never withhold the final honors, which are not the due of station, but of character only.

In our free society that man is great who always does his duty with clean hands. It may fall to him to command or be commanded in battle; let him then be a whole man, for his country expects her sons to be heroes and not cowards; he may sit in judgment in the tribunals which construe the law; then let him remember that his function is the reflection of that given to Him who cometh to judge the quick and the dead, and be just. He may be a law maker, a high function, which is amongst men the counterpart of what nature has done in the immeasurable spaces of the universe; let the law maker beware that the very fountain of order, the source of statutes, shall be without guile. If he be the executor of that law, let him remember that what originates in purity must be administered in justice; and if he be the power that is higher than these, the citizen, may he remember that a vestal ballot, unbought and unbribed, is the very scripture of liberty, inspired by it and preservative of it.

In those governments which are unlike ours, greatness is often achieved by means that would be repugnant to the American conscience. A ruler expects that his stature in history will be measured by the truculence of his policy, by wars provoked and victories won by his arms, and unless his career is spectacular and full of circumstance, he is held to have added nothing to the glory of his country or his dynasty.

With us greatness rests upon dutiful obedience to the law. Tried at last by time our public men must hope for noble prominence in history only by exercising the unflinching self restraint which associates their names with no breach in the law of the land, beyond whose verge and limit ambition has no virtue.

In other lands the path of glory overpasses this frontier, and laws, and heads, and hearts are broken by ambition grown to be a vice by the absence of restraint.

The safety of a free State is in its administration by men who refuse to accomplish what is merely expedient by invasion of that which is right. The latitudinarian who regards government as a special Providence, benignly administering narcotic kindness to all human aches and pains, and commissioned to avert the penalties of transgression, may pass, in his generation, as a philanthropist, but he will not be remembered as a statesman. His policy will soften the fibers of character, weaken the resistant powers of men, and finally turn government into a thoughtless benevolence and the governed into helpless dependents upon its bounty.

This theory and method would have built the Temple of Liberty entirely of mortar, without buttress or brace or pilaster, and would have left us without the occasion for such fine illustrations of manly strength of character as we are about to consider.

The peculiar virtue of our Government, then is, that it makes him greatest who, under greatest temptation, is most obedient to the law, and it calls into constant activity that independence which self centers men and makes them the protectors of the Government rather than supplicants for its protection.

Studied from each of these base lines, we are here to honor the memory of a Californian who was by the one standard great, and by the other an example of American self-reliance. In the presence of her law makers, and Governor, and the honorable Justices of her Supreme Court, this Commonwealth offers heartfelt and affectionate honors to the memory of Washington Bartlett, her great and steadfast citizen.

His lineage is illustrious, for it furnished a signer to the Declaration of Independence, one of that good company of fifty-six patriots upon whose heads a price was set because they loved their country, and of whom it may be said that in public life and private station they held themselves above price to the end. And the keenest research amongst their descendants is said to show that not one of them has ever been guilty of an act of turpitude or dishonor. Ancient Empires claimed miraculous origin, or a foundation laid in some exceptional circumstance of human force. Let it be the ever affluent source of our patriotic pride that this nation took its rise under the hands of these men, in whom purity of character was such a master quality that its prepotency is manifested in the transmission of their traits across more than a century of time and trial.

This family furnished patriots to establish the principles of the Declaration and a Governor to one of the Colonies which first took up arms in its defense, and this son of that line of sires had the rare felicity to begin his life at a time that enriched the memories of his childhood with the stories of that tempest and convulsion in which the Revolution was accomplished and freedom was established throughout the land. When he was a child the stars in our galaxy of Revolutionary worthies were one by one passing away to shine in the firmament eternal. While he was at his mother's side, Jefferson and Adams went hand in hand from a world in which they had made a shelter for the rights of man. And when he was a lad, already invested with the staid and solid traits that foretold an honorable future, Charles Carroll, the last of the signers of the Declaration, passed from the presence of his countrymen into that of his God. The men who began their lives in that time of patriotic inspiration are no longer numerous. To them the characters of the Revolution were flesh and blood. To us they are already idealized, and if we encounter a venerable citizen, surviving beyond life's allotted limit, who may have stood face to face with Washington or Jefferson, we regard him almost with that awe with which primitive people look upon one who is believed to have had a supernatural experience.

Amongst the causes of excellence in that character which we have suspended public and private business to study, was this early contact with the motives and the men and the traditions of the Revolution. This experience is denied to us of later generations, but we may transmit its unquenched illumination to light the future welkin by such commemorative and memorial honors as we are here to render.

Washington Bartlett, following the intellectual habits of his ancestors, and with that spirit of independence and self-reliance which came down to him from the Puritan founders of his family, early devised ways of self-support. In those days lads were educated sooner and, may be, sounder than now, and were ready for active life at the age at which many in the present day are preparing to matriculate in college. Adams and Jefferson were out of school and deep in affairs before they were bearded, and Calhoun entered Yale in 1802 and graduated with all the college honors in 1804, with the flush of boyhood on his cheek. So, we find young Bartlett pushing his fortunes in Florida, at the head of a newspaper, and elected the first State Printer of that State upon its admission to the Union, in 1845, before he had reached the age of twenty-two. He seems to have instinctively grown with perfect harmony of development toward both law and journalism. The former he knew in its philosophy, as the science of human life, and he had so mastered the amazing detail of its application to affairs as to prove a fact upon which I have often insisted, that a knowledge of the capital principles of law is an invaluable equipment for a man either in public or private business. It makes better business men by equipping them for protection of their own rights, and no man is so respectful of the rights of others as he who knows and guards his own. Again, it makes better lawyers, for such questions as come to the Courts are refined and ready for scientific test, and do not require the treatment that must be given to issues generated in hopeless ignorance.

In journalism he belonged to a school of writers and workers that made the press a potent public educator. The newspaper now either abdicates or abuses its educating function. It has become the town gossipier. The tattles of the tea tables and the toilets displayed in the foyer are the most innocent parts of its material. Let us hope that this condition is a passing fashion, and that the rage for news, so great that it demands invention, just as a depraved appetite is quenched for the time by adulterated drink, may, like other manias, spend its force, and press and patrons come to agree that invented news is not news at all. Then we may find again in journalism men who have a message, who are thrilled by convictions, who are teachers.

When the fame of California, the new Ophir, became a pillar of fire by night and a pillar of cloud by day, guiding the world's spirit of adventure, Florida ceased to charm the young journalist, and, shipping the material for a printing office to Charleston for transshipment there to San Francisco, he soon followed, landing here in 1849. He was a part of that wonderful migration, the like of which will not be seen again. Across the plains, over the Isthmus, and around the Horn, they came. They were empire builders. They came through risk and danger. Savage tribes disputed their passage, laid tribute upon them, and made their march a skirmish from the Missouri to the Sacramento. On the

Isthmus, where the tropic earth sweats death, the fever lurked in ambush, and with its infernal hand held many a gallant heart until its struggles were over. By sea the cholera, swift-sailing pirate, flew its black flag and boarded ships freighted to their limit with human life, to turn them into charnel houses. Still the marching columns came, and every man a hero. I remember how the flower of the pioneers who had conquered my native frontier caught the contagion of adventure, and, setting their faces westward, marched into the afternoon, while our strained eyes followed their retreating shadows, and the night received them, and when morning shone again the world was lonesome. Theirs was high courage. They battled against the forces of nature; they withstood all that can appal the heart and make the flesh confess its weakness, and the conquest they made is our inheritance. It lies around us in the vineyards that purple in their season, the orchards, and the far-reaching globe. It is in the homes of California under whose rose clad lintels the kiss of wifely love awaits the home-coming of the men who have wrought quiet fortune out of the Land of Promise, sought and saved by the pioneers through adventures and sacrifices which gild their names with honor imperishable.

He was one of that band of picked men, and at once went to the front. His newspaper dealt with the dynamics, the fortune-yielding forces of the new land. With the judgment of a veteran, and the zeal of a neophyte, he began quest into the resources and advantages of the State which was finally to acknowledge his headship. Commerce, agriculture, and mining were the favorite themes upon which he wrought with vivid, descriptive force, while he brought his instinctive taste for the law to bear in counsel concerning the necessary civic foundations of the State's polity. He knew perfectly the ethics of journalism. They were to him a code of honor, and during this part of his career he kept them like a stainless escutcheon, with no bar sinister. For ten years he confined his exertion to his newspaper work. During that time the great fires, which laid San Francisco in ashes, twice destroyed his property; but his perseverance overpassed all difficulties, and his gains in that decade were the beginning of his modest fortune. During that period the people of San Francisco discovered that the government which most affected them was that which was nearest to them, and when its inefficiency, or indifference, or lack of organic strength had permitted intolerable evils they recalled its trusteeship and perfected and purified its methods by enlisting the whole civic body in the administration of justice. These events greatly increased the responsibility and importance of the local offices, and to the most powerful of these Mr. Bartlett was chosen in 1859. He had stood with the people in kindling the refining fires of reform, and had guarded them against becoming a conflagration to destroy what they were only intended to purify. In doing his part he had manifested the militant spirit of a warrior. In his action one gets an enchanting glimpse of the fires still burning in him which had been kindled in the soul of his Revolutionary ancestor, who preferred to offer his neck to the sword of a headsman rather than to the yoke of a tyrant.

When the people took him from his desk to be Clerk of the metropolitan county, they were merely continuing the depurating processes by which they had twice cleansed their local government. But they robbed journalism of a knightly devotee, though they gained to public life a great example.

His subsequent service in the State Senate, and his unceasing efforts to keep the State and municipal statutes strong for popular defense and for the fostering of the great materialities of California, and at the same time free from the impingement of schemes to advance private ends at the general expense, are matters of common knowledge. They made up that faultless personal record upon which he was twice elected Mayor of San Francisco. The city, once inferior to many in our borders, but whose future primacy he foresaw and foretold in her weakness, in her strength called him with the voice of command, and he guided her enlarged and enlarging destiny through a period critical and crucial in many ways.

After his election to the Governorship, the President of the United States asked me the reason of a result which amounted to a revolution in the politics of the State. I sketched briefly the incidents of his service as Mayor. It was a story of public credit restored; of disordered finance steadied and straightened; of resumption of the discharge of current cost of government by the use of current revenue, and the payment of past deficits without the future burden of a bonded debt. As I told it, the President's fine face, which is cast in that outline which the Greeks gave to their heroes in whom they idealized power, and purpose, and purity, was aflame with vivid interest, and his comment was expressive of the conviction that, in men who can do such things in executive office, we have that salt of our institution whose savor is their preservative principle.

Before this service had ended, the suffrage of his party offered him to the people for Governor of the State. I say the suffrage of his party, as distinct from the partisan mechanism which secures results against the drift, or opposed to the expressed preference, of public opinion. An observer of political events must concede that, after all, parties in this country, in a majority for instance, seek out the men of merit and make his fortunes the object of their care. If a young man should ask me what are the four cardinal points of the political compass, by which he intends to steer his way to public honors, notwithstanding some cases which are quoted to prove the opposite, I should tell him that the first cardinal point is, fidelity to the people; and that the second is, fidelity to the people; that the third is, fidelity to the people; and the fourth is, fidelity to the people. Not running with the masses when they chase chimeras; but faithful devotion to the few and simple principles upon which alone popular government can be long administered.

The contest which followed this nomination is memorable. Opposed to him was one of our foremost citizens, a pioneer, a man of conspicuous talents and stainless honor. As the struggle progressed, it attracted national attention. New England, mindful of this descendant of her early defenders, who had in his veins the blood of the Revolutionary Governor of one of her States, viewed the combat from afar with strained attention to its incidents. The South, where his father sleeps, and his life began, joined the audience which faced toward California. Here the emergencies of the battle called from long retirement the eloquent Booth, who had himself been Governor and Senator, and now stood against destiny, but with that forbearance in speech which cannot be too often illustrated upon the stump. The banner of Bartlett was gallantly advanced by White and a score of young men.

In that dignified competition, I was thrown into very intimate association with him whose death has put upon me this heavy duty. It was at a time in which a man's genuine character is visible to the keen observer, in lights that are not possible under other circumstances. He was of a retiring, almost shy, disposition, reserved in manner, and innocent of those arts which make what we call in politics "a good mixer." He had no tricks of speech or manner by which to catch the popular eye or fancy. In friendly or cultured association he always sustained himself. He surprised me not only by the extent but the exactness of his knowledge. As I knew him better I saw in him that which goes for evidence of genius; he would state a principle, and leave those to whom it was novel to argue their way up to it. During his candidacy he made but few speeches, but they were models of statement. Indeed, he was better able than any public man I have known, to illustrate the difference between statement and oratory. He was a master of statement. To oratory he made no pretensions. Yet I never witnessed results more satisfactory wrought upon popular audiences than followed his speeches. They seemed to refresh the intelligence to which they were addressed. Their meaning was always clear; and I am sure that younger men who speak in public, would have a pearl of great price if they would always command the power to make their meaning clear, which ought to be the only object of public speaking.

At the end he was chosen to be Chief of the State; to control the affairs of a territory larger than Great Britain or Prussia.

Nearly two score years had passed since he came, in the flush and prime of his youth, an immigrant to the land that now bestowed upon him the highest civic honor in the gift of its people.

While in the office of Mayor he had found, as he said on exchanging it for the larger trust, that under the polity of that city the Mayor had responsibilities in excess of his power of efficient action. I have often reflected upon how much is covered by that simple statement of a grave organic defect. But at last he had reached executive functions that were up to the measure of his matured powers and ripe experience. He entered a trusteeship in which responsibility and freedom of action and fullness of power were concurrent. He succeeded able men, for California has been nicely discriminating in her choice of Governors. But it is a peculiarity of our form of government that its affairs never reach the angle of repose. If they did, there would be a relaxation of that eternal vigilance which is the price of liberty. But that relaxation is never permitted, and so, no matter how successful an administration, it does not leave behind it a circle of finalities, of balanced books, and concluded controversies, leaving the State like a clock wound up and warranted to run, needing only winding again at stated periods.

Again, in some respects Governor Bartlett had an equipment which gave him a keener vision than is often the gift of men who reach that station. He had been a close student of government. His suggestions as he introduced his successor, the present able Mayor of San Francisco, prove that he had threaded patiently through the labyrinth of that municipal government. He had observed its composite structure, one office overlapping another, or two offices that should have contact, non-confluent. He knew how difficult this condition makes economical and efficient government. He was an expert executive, in fine, to whom office was not a prize. It was a position. A call to public duty impressed him just as would a summons to private duty. It meant work. His inaugural address stated the great laws of public finance in the smallest compass. He notified all those standing at the outlets of the treasury that the toilers, who supply the inlets by taxation, had rights which he proposed should be cared for, "because extravagance in public business places unnecessary burdens on the people which it impairs their ability to bear by lessening the value of their property." An axiom which I take from him and commend to all who hear me.

But alas, for the futility of human hopes! The head stores up wisdom, the heart virtue, and man takes on the strength of many experiences. But the years which add to his mind invade the strength of his body. The God of bounds has set a limit to life, and while some reach it in infancy, and others in age, and each man soothes himself with the delusion that all are mortal but himself, all that are, reach it.

Bodily weakness began to prey upon the people's elect. He was a man of stalwart make. There was in him a suggestion of the granite of New Hampshire where his forefathers were born, and of the live oak of the South where he was born. But age and toil, and the early vicissitudes of his pioneer experience foreclosed upon him. You know the painful days he passed in this Capitol participating with the last Legislature in caring for the public interest. You know his patient examination of every measure, his free use of the veto, and frank outgiving of reasons for it, when he differed with this body upon the expediency or constitutionality of any proposition.

With the close of the session he sought relief in relaxation, but too late. Not many look as steadily as he did at the horizon of life when it no longer recedes upon approach.

For reasons which a chivalrous delicacy secluded from the public, he had lived a celibate life, but therefore let no one fancy that he had lived a recluse with none of those experiences which soften and embellish existence. To his sick-room came the young relatives, the nephews and nieces, who had enjoyed his almost parental care, and repaid it with most affectionate attentions. I will speak no further of these last scenes in their phases not connected with the public. They reveal brotherly affection and fraternal sorrow which belong to the sad and inevitable incidents of mortality, and which in this degree of intensity tell the story of ties of brotherhood beginning with life and sweetened by the flight of time.

But of his anxiety to be strong that he might resume his public duties I may speak. He lamented his disability because it withdrew him to a degree from the hard labors he had planned. His official routine was attended to. No current business of the Governor's office suffered during his protracted illness. But the duties outside of routine that he desired to take up must wait, and this caused whatever of impatience shadowed the serenity of those last weeks of his life. At last came the fatal stroke. The nerves snapped under long sustained tension, and the brain survived the body. Who can forget the calmness and courage with which he submitted to the manifest will of Heaven? His methodical business habits kept his private affairs in order, and they needed no attention. He devoted himself to providing against confusion in the public business. Dictating a dispatch to his successor, he provided against inconvenience to the State in the event of a period of unconsciousness supervening upon paralysis, and then calmly awaited the change.

So I have sketched, far less skillfully than the subject merits, a career that deserves study as an upright example.

Human experiences, the victories and defeats, the joys and sorrows of life convene near its close, and joins, sometimes, in asking, "Is life worth living?" But the question is answered by an older question, which is now and shall be world without end, the sum and verdict of all humanity, which, standing at the veil between the two worlds, lovingly forgets the vexations and remembers the virtues of life, and asks, "If a man die shall he live again?"

The faithful soul is not disquieted by either query. If Governor Bartlett, in his public speeches, illustrated the difference between statement and oratory, he yet more clearly, in his hours of personal confidence, illustrated the difference between faith and credulity. Faith sustained him in the supreme hour, and lighted him on the pathway ineffable.

His life, which began as the first group of American patriots were passing away, spanned that period in our history in which principles of government, for ages held in solution, and at last crystallized in our Constitution, were concreting in institutional form. He did his part in that period without ostentation but with power, as assigned to him by circumstances, and his career closed in close association with the sages and soldiers who, like him, had done their part in a time of ferment and formation, out of which issued absolute homogeneity of our institutions—Federal and domestic. His death was in a period made memorable by the loss of Grant and Hancock, of McClellan and Logan, of Tilden, Seymour, and Hendricks; a company to which he was kindred in qualities and service, and one in which California proudly and fondly and tenderly leaves him.

Others will sit in the place of power. The authority, accepted by him as a laborious responsibility, will be clutched at often as the prize of ambition. The great State that held so large a place in his affection, will go forward to the imperial future which his fancy pictured, when her untamed beauty was her only dower. The procession of pioneers on the hither side of the valley of shadows will shorten as that on the farther verge grows longer, until all have passed over, and that grim emblem of conquest, the bear flag, is given to the winds as a memory only. Time and change will leave their tracery on all that is, but no mutation shall give to dull forgetfulness, the public virtues, and the private graces of the first Governor of California who passed from office to immortality.

Mr. Yell moved that the address by Mr. Irish be spread in full upon the Journals of both Houses.

So ordered.

Benediction by Rev. L. N. Early, of the Assembly.

The Journal of the joint session approved.

At three o'clock P. M., Mr. Hook moved that the joint convention do now adjourn out of respect to the memory of the late Governor Bartlett.

So ordered.

REASSEMBLING OF SENATE.

The Senate met pursuant to adjournment of joint convention.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

On motion, the Senate stood adjourned until seven o'clock and thirty minutes P. M. this day.

EVENING SESSION.

The Senate reassembled at seven o'clock and thirty minutes P. M.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Meany, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Mr. Conklin asked leave of absence to attend a committee meeting.

Granted.

Mr. McDonald was granted leave of absence for the evening.

Mr. White was granted leave of absence.

Mr. Caminetti in the chair.

FIRST READING OF BILLS.

Each of the following bills was read first time:

Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton for the twenty-fifth fiscal year.

Senate Bill No. 357—An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund, Unavailable."

Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Senate Bill No. 123—An Act to amend section two thousand six hundred and forty-three of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision of the roads within their respective counties.

Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

Senate Bill No. 29—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts.

Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General and to appropriate money for the payment of his salary.

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Senate Bill No. 300—An Act to appropriate money for the payment of the salary of an additional clerk in the office of the Register State Land Office, and the salary of a recording clerk in the office of the Secretary of State, for the fortieth fiscal year.

Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Senate Bill No. 32—An Act to provide for the resignation or removal of judicial officers in this State in certain cases, and to provide for the compensation of persons who may resign or be removed from a judicial office as herein provided, for the balance of the term for which such persons or person may have been elected or appointed.

Senate Bill No. 97—An Act to repeal section three hundred and twenty-eight of the Code of Civil Procedure of the State of California.

Senate Bill No. 337—An Act to amend subdivision seven of section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to registration of electors.

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Senate Bill No. 223—An Act to amend section one thousand six hundred and fifty-eight of the Code of Civil Procedure of the State of California, and to add two new sections to said Code, to be numbered section one thousand seven hundred and two and section one thousand seven hundred

and three, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of probate.

Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any District Agricultural Society, can be drawn from the State Treasury.

Senate Bill No. 289—An Act to provide funds for the erection and maintenance of State waterworks.

Senate Bill No. 290—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses.

Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Assembly Bill No. 340—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts by including other lands therein.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Senate Bill No. 241—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor.

Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

Senate Bill No. 135—An Act authorizing and empowering the Board of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the ap-

pointment of a Sheep Commissioner, and defining the duties of such Commissioner.

Senate Bill No. 64—An Act relating to life and casualty and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Senate Bill No. 243—An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance.

Senate Bill No. 262—An Act relating to life, casualty, and endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Senate Bill No. 283—An Act to authorize the Board of Education of cities and cities and counties in this State to sell school lots not necessary or desirable for school purposes.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, to provide for estimating the cost and selling price of the State text-books.

Senate Bill No. 318—An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation.

Senate Bill No. 334—An Act to amend section four hundred and sixteen of "An Act to establish a Political Code," relating to fees in the Secretary of State's office.

Senate Bill No. 120—An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Stockton, for the thirty-ninth and fortieth fiscal years.

Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year.

Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf, under the control of the Board of State Harbor Commissioners.

Senate Bill No. 319—An Act making an appropriation to pay the claims against the State of California incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Senate Bill No. 278—An Act to appropriate fifty thousand dollars for the erection of a monument commemorative of the services of Rodman M. Price, and to provide for the investment of said sum, and the payment of the interest thereon.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Senate Bill No. 58—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Senate Bill No. 141—An Act to require bonds to be given for costs before issuance of summons in actions in damages, and providing that in certain cases summons may issue without bond being given, and making counties liable for costs in certain cases.

Senate Bill No. 46—An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein.

Senate Bill No. 197—An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecutions for murder, the embezzlement of public moneys, and the falsification of public records must be commenced.

Senate Bill No. 16—An Act to regulate coöperative building and loan associations, to provide for their proper supervision, and to protect shareholders therein.

Senate Bill No. 128—An Act to amend section two thousand nine hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the duties of the State Board of Health.

Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Senate Bill No. 225—An Act relating to life insurance upon the natural premium plan.

Senate Bill No. 62—An Act to create a police relief and pension fund in the several counties, cities and counties, cities, and towns of the State.

Senate Bill No. 350—An Act to prevent deception in the sales of dairy products, and to preserve the public health.

Senate Bill No. 294—An Act to amend an Act entitled "An Act to amend sections two, four, six, seven, and eight of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887, by amending and revising section one of said Act.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to the obligations of coterminal owners and the construction and maintenance of division fences.

Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act to provide for protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880.

Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant Company F, Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, series 1880.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Senate Bill No. 85—An Act to authorize the Board of State Harbor Commissioners to execute leases of lands belonging to the State within their jurisdiction and control.

Senate Bill No. 214—An Act to add three new sections to the Penal Code, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, respectively, relative to Sunday amusements where liquor is sold, and keeping open places of business on Sunday.

Senate Bill No. 264—An Act to amend section three thousand three hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to retail liquor licenses.

Senate Bill No. 150—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

Senate Bill No. 362—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Senate Bill No. 184—An Act to appropriate money for the relief of J. C. Doherty.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher, for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Senate Bill No. 285—An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885.

Senate Bill No. 325—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

Senate Bill No. 364—An Act to pay the claim of William Pyburn, his heirs or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Senate Bill No. 10—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers to license engineers of portable and stationary steam engines and boilers, and to establish the duties and compensation of said Board.

Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to salaries of the officers and employes of the Senate and Assembly.

Senate Bill No. 441—An Act to amend section eight hundred and seventy-two of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses.

Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Senate Bill No. 380—An Act to add an additional section to title three, part two, division four, of the Civil Code of this State, relating to assignments for the benefit of creditors.

Senate Bill No. 156—An Act to amend section one thousand three hundred and thirteen of the Civil Code of the State of California, relating to wills.

Senate Bill No. 157—An Act to repeal sections one thousand and ninety-three, one thousand and ninety-four, one thousand one hundred and eighty-six, and one thousand one hundred and ninety-one of the Civil Code of the State of California, relating to acknowledgments of married women.

Senate Bill No. 158—An Act to amend section one thousand one hundred and eighty-seven of the Civil Code of the State of California, relating to conveyances by a married woman.

Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, at the City of Marysville, in the County of Yuba, to the opposite bank of said river, a free bridge.

Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand and eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers, for school moneys left on deposit with him, aggregating the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Senate Bill No. 257—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and eight, relative to the sale of or furnishing of tobacco, and manufactures of tobacco, to persons under sixteen years of age.

Senate Bill No. 313—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Senate Bill No. 302—An Act to amend section one thousand three hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to devises for charitable uses.

Senate Bill No. 153—An Act to amend section two thousand two hundred and eleven of the Political Code of the State of California, relating to the commitment of persons to the insane asylum, approved March 12, 1872.

Senate Bill No. 159—An Act to amend section one hundred and seventy-two of the Civil Code of the State of California, relating to the disposition of community property.

Senate Bill No. 247—An Act to further provide for the care and guardianship of homeless, neglected, or delinquent minors.

Senate Bill No. 307—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Senate Bill No. 308—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Senate Bill No. 312—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Senate Bill No. 388—An Act to create a commission, provide for its management, and for the appointment of members thereof, and to appropriate funds for an exhibit of the resources and products of the State of California, at London, England.

Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities and towns to acquire, maintain, and improve public parks and boulevards.

Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Senate Bill No. 248—An Act entitled an Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor.

Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valerrio.

Senate Bill No. 163—An Act to pay the claim of Richard O'Connor for the permanent injury to his horse.

Senate Bill No. 284—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Michael Cread.

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Senate Bill No. 215—An Act to appropriate money to pay the claim of Bartolo Sepulveda, his executors, administrators, or assigns, for unlawful imprisonment.

Senate Bill No. 270—An Act providing for the payment to Louisa Koehler of damages for the loss of her husband, Herman Koehler, killed by a prisoner in the State Prison at San Quentin, California.

Senate Bill No. 99—An Act to pay the claim of Enoch N. Strout.

Senate Bill No. 100—An Act to authorize the Controller of State to issue duplicate Controller's warrant.

Senate Bill No. 378—An Act to add a new section to the Penal Code, relative to the prohibition and prevention of the use of all acids or solution of acids in the manufacture of hermetically sealed tin cans used for canning purposes, to be known as section two hundred and sixteen.

Senate Bill No. 402—An Act to establish a State Reform School, and to provide for the maintenance and management of the same.

Senate Bill No. 7—An Act to amend sections six hundred and twenty-five, six hundred and twenty-six, and six hundred and forty-one of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 71—An Act to amend section one of an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872, and to more clearly define the time within which a foreign corporation may designate a person on whom process can be served.

Senate Bill No. 73—An Act to amend section one thousand four hundred and twenty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, regarding reprieves, commutations, and pardons, and to more effectively regulate the procedure relating thereto.

Assembly Bill No. 60—An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court for a special Grand Jury.

Senate Bill No. 96—An Act entitled an Act to amend section seven hundred and fifty-three of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court, and to the Supreme Court Library Fund.

Senate Bill No. 274—An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State.

Senate Bill No. 149—An Act to add a new section to the Penal Code, to be known and designated as section five hundred and fifty-six, relating to the collection of illegal water rates.

Senate Bill No. 208—An Act to amend sections forty-seven and forty-eight of the Civil Code of the State of California, relating to libel and slander.

Senate Bill No. 75—An Act to promote correct conveyancing.

Senate Bill No. 420—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Senate Bill No. 288—An Act to establish a uniform State, county, city and county, or municipal license tax, for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five gallons.

Senate Bill No. 418—An Act to provide for furnishing the boiler house and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Senate Bill No. 419—An Act to provide for the erection of new buildings and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

REPORT OF STANDING COMMITTEE.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 474—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

Also, Committee Substitute for Assembly Bill No. 130—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessment of real property, and to the collection of such assessments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMINETTI, Chairman.

MOTIONS.

Mr. Bowers moved to take up the bill reported in the report of Mr. Caminetti, and place it on file, and read it the first time.

Mr. Preston objected.

Mr. Bowers renewed his motion.

The same was lost.

Mr. Bowers moved to adjourn.

Lost.

Mr. Yell moved a call of the Senate.

Lost.

Mr. Bowers moved to take up and read the substitute for Assembly Bill No. 130.

So ordered.

Thereupon, the substitute was read the first time.

ADJOURNMENT.

At eight o'clock and forty-five minutes P. M., Mr. Yell moved to adjourn until to-morrow morning at eleven o'clock A. M.

So ordered.

Thereupon the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 7, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

LEAVE OF ABSENCE

Mr. Williams asked leave of absence for Mr. Murphy until this afternoon.

Granted.

Mr. Meany asked leave of absence for one hour.

Granted.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

READING OF JOURNAL.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 261—An Act for the relief of the widow and minor children of

James Saultry for personal injuries received by him while in the service of the State, and which resulted in his death—have had the same under consideration, have prepared a substitute therefor, and report the same back, recommending the passage of the substitute.

Also, Senate Bill No. 363—An Act relating to the mode, place, and time of inflicting the death penalty—have had the same under consideration, and report the same back, and recommend that it do not pass.

GOUCHER, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 390—An Act providing for the appointment of a commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriate money to defray the expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

DIXON, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, range three east, Mount Diablo meridian—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

CAMINETTI, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Nos. 64, 172, 209, 173, 174, 171, and Substitute for Senate Bill No. 105.

HAMILL, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Concurrent Resolution No. 11—Requesting our Representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the Sacramento and Feather Rivers—have had the same under consideration, and most respectfully report the same back, with amendments, and recommend that the amendments be adopted, and the resolution, as amended, be adopted.

MEAD, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 6, 1889. }

To the Senate of the State of California:

I herewith inform your honorable body that I have, this day, approved Senate Bill No. 11—An Act to provide for the proper sanitary condition of factories and workshops and the preservation of the health of employés.

R. W. WATERMAN, Governor.

PETITION—(OUT OF ORDER).

By Mr. Greely:

BOARD OF SUPERVISORS, COUNTY OF YUBA, STATE OF CALIFORNIA, }
February 4, 1889. }

Present—All the members of the Board.

On motion of Supervisor W. T. Ellis, Jr., the following resolution was unanimously adopted, to wit:

WHEREAS, A bill has been introduced in the Assembly appropriating two hundred and fifty thousand dollars out of the State Treasury for a two years' exhibit of the products of California in London; and whereas, this State having a world wide reputation for its fruit raising, etc., and has long been shipping large quantities of canned fruits, wheat, flour, and manufactured goods, etc., whose merits are their best advertisement.

Resolved, That this Board of Supervisors remonstrate against the passage of the said bill as an entirely unnecessary expenditure, and the County Clerk is hereby directed to send a copy of this resolution each to Hon. D. A. Ostrom and Hon. F. H. Greely, at Sacramento.

Attest: A true copy.

J. K. HARE, Clerk.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 203—An Act to amend section two thousand and three of the Political Code, in relation to organizing the National Guard of this State into six brigades, each commanded by a Brigadier-General.

Also, Assembly Bill No. 165—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections one thousand nine hundred and eighty, two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Also, Assembly Bill No. 50—An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.

Also, Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

ED. E. LEAKE, Chief Clerk.

Assembly Bills Nos. 203, 165, and 50 were referred to Committee on Military Affairs.

Senate Bill No. 3 ordered enrolled.

Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 159—An Act making an appropriation to pay salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

ED. E. LEAKE, Chief Clerk.

Referred to Committee on Education.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees as follows:

By Mr. Goucher: Senate Bill No. 511—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to the insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Caminetti: Senate Bill No. 512—An Act to encourage coöperation, and to provide for the formation of associations for the purpose of conducting any lawful business and dividing the profits among the members thereof.

Referred to Committee on Judiciary.

By Mr. Wilson: Senate Bill No. 513—An Act appropriating the sum of twelve thousand dollars to purchase land to erect buildings and furnish the same for the use of the inmates of the Home of Industry and Refuge for ex-Convicts.

Referred to Committee on Prisons.

Also, Senate Bill No. 514—An Act establishing a Home of Industry and Refuge for ex-Convicts of the State of California, creating a Board of

Directors for the government thereof, and appropriating the sum of ten thousand dollars for the support of said home.

Referred to Committee on State Prisons.

By Mr. Moffitt: Senate Bill No. 515—An Act for the relief of Amelia Mezzara.

Referred to Committee on Claims.

Also, Senate Bill No. 516—An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State.

Referred to Committee on Claims.

By Mr. Heacock: Senate Bill No. 517—An Act to regulate quarantine, and the admission of cattle into the State of California from infected districts.

Referred to Committee on Judiciary.

Also, Senate Bill No. 518—An Act to suppress and prevent the introduction and spread of Texas or Spanish fever, pleuro-pneumonia, and other contagious and infectious diseases among cattle.

Referred to Committee on Judiciary.

By Mr. Flint: Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Mead: Senate Bill No. 520—An Act authorizing the Controller to transfer money from the State Library Fund to the General Fund in the State Treasury.

Referred to Committee on State Library.

By Mr. White: Senate Bill No. 521—An Act to repeal section three hundred and six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Referred to Committee on Judiciary.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 5—Constitutional Amendment—The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Passed on file.

Senate Constitutional Amendment No. 8—Proposed amendment to article four of the Constitution, relating to sessions of the Legislature.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Bill read third time, and passed by the following vote:

AYES. Messrs. Banks, Barks, Bowers, Brantford, Bratt, Brynes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Henshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—31.

NAYES. Mr. Hamilton—1.

Title read and approved.

Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to legal holidays.

Mr. Caminetti moved to commit Senate Bill No. 171 to a committee of one, to insert enacting clause therein.

So ordered.

The committee reported the amendment made according to instruction.

Bill read third time, and passed by the following vote:

AYES. Messrs. Banks, Barks, Bowers, Brantford, Bratt, Brynes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Henshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—31.

NAYES. None.

Title read and approved.

Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Bill read third time, and passed by the following vote:

AYES. Messrs. Banks, Barks, Bowers, Brantford, Bratt, Brynes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Henshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—33.

NAYES. None.

Title read and approved.

Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Bill read third time, and passed by the following vote:

AYES. Messrs. Banks, Barks, Bowers, Brantford, Bratt, Brynes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Henshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—31.

NAYES. None.

Title read and approved.

Senate Bill No. 174—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place of trial.

Mr. Caminetti moved that Senate Bill No. 174 be ordered reprinted.

So ordered.

Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Mr. Greely moved that Senate Bill No. 209 be committed to a committee of one, to insert the words "in the City of Marysville."

So ordered.

The committee reported the bill amended according to instructions.

Report adopted.

Bill ordered reengrossed, reprinted, and to a third reading.

Senate Bill No. 105—An Act relating to the trials of actions for divorce.

Mr. Bowers in the chair.

Bill read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.
 NOES—Mr. Bowers—1.

Title read and approved.

MOTIONS.

Mr. Caminetti moved that the consideration of Senate Bill No. 174 be continued until this afternoon.

So ordered.

Mr. Preston moved to rescind the order of approval of the Journal.

So ordered.

Mr. Preston moved that Mr. Wilson be appointed a committee of one to prepare a joint resolution to correct and amend the joint Journal of the memorial session of both Houses.

So ordered.

Journal, as corrected, was approved.

PETITION—(OUT OF ORDER).

Mr. Meany was granted leave to introduce, out of order, a petition, relative to the Wright irrigation law.

Petition referred to Committee on Irrigation.

RECESS.

Mr. Greely moved to take a recess until two o'clock p. m.

So ordered.

Thereupon, at twelve o'clock and thirty minutes p. m., the Chair announced recess.

AFTER RECESS.

The Senate met pursuant to recess.

President pro tem. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Heacock:

Resolved, That upon the consideration of bills upon their second reading, one of the Assistant Minute Clerks be requested to reduce to writing such verbal amendments as may be proposed, such written amendments, if adopted, to be handed to the Secretary, and by him attached to the bill under consideration, in their proper places.

Adopted.

Also, by Mr. Heacock:

Resolved by the Senate, the Assembly concurring, That upon a message being received by either House of the Legislature from the other, reporting any bill as having been passed by such House, it shall be the duty of the File Clerk of the House receiving such mes-

sage to carefully examine the files of such House and ascertain whether the duplicate of such bill is upon its files. And if so, he shall report the number on the file of such duplicate, and when such duplicate is reached upon the file, if upon its first reading, the bill so reported from the other House shall be read the first time and be substituted therefor on the file. And in case such duplicate has passed beyond first reading, it shall be dropped from the file.

Adopted.

Mr. McComas offered a resolution, and moved its adoption.

Mr. Murphy objected.

Mr. Moffitt offered a substitute, and asked that it be referred to the Committee on Attachés, Contingent Expenses, and Mileage.

Mr. McComas moved to suspend the rules, and adopt the resolution.

Mr. Caminetti moved to lay the resolution and the substitute on the table.

Mr. Greeley raised the point of order that there was a special order set for this hour.

The Chair decided the point well taken.

SPECIAL ORDER.

Assembly Joint Resolution No. 4—Relative to a charter for the City of Stockton, in San Joaquin County.

Mr. Langford offered the following Senate Joint Resolution No. 4, which was read and ordered spread in full on the minutes:

SENATE JOINT RESOLUTION No. 4.

Joint Resolution—Approving the charter of the City of Stockton, in the County of San Joaquin, and State of California, prepared and proposed by the Board of Freeholders, elected on the twenty-ninth day of May, one thousand eight hundred and eighty-eight, and voted for and ratified by a majority of the qualified electors of said city, who voted at a special election held therein for that purpose, on the twentieth day of November, one thousand eight hundred and eighty-eight, all in accordance with the provisions of section eight, article eleven, of the Constitution of the State of California.

WHEREAS, The City of Stockton, in the County of San Joaquin, and State of California, is now, and at all times herein referred to was, a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and, whereas, at a special election duly held therein on the twenty-ninth day of May, one thousand eight hundred and eighty-eight, according to law and the provisions of section eight, article eleven, of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and, whereas, the same was, on the twenty-seventh day of August, one thousand eight hundred and eighty-eight, signed in duplicate by the majority of the members of said Board of Freeholders, and was, on the said twenty-seventh day of August, one thousand eight hundred and eighty-eight, returned and delivered, one copy thereof to the Mayor of said City of Stockton, and the other copy thereof to the Recorder of San Joaquin County (within which county said city is situated); and, whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the "Stockton Daily Independent" and in "The Mail," in each instance for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and, whereas, said charter was submitted within not less than thirty days after the completion of said publication, by the legislative authority of said city, to wit: by the City Council thereof, to the qualified electors of said City of Stockton, at a special election duly called and held therein on the twentieth day of November, one thousand eight hundred and eighty-eight; and, whereas, at said special election a majority of such qualified electors of said city who voted at said special election did vote in favor of and did ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection, as a whole, as provided for in section eight of article eleven of the Constitution of the State of California; and, whereas, the said charter, so ratified, is in the words and figures following, to wit:

CHARTER FOR THE CITY OF STOCKTON.

Prepared and proposed by the Board of Fifteen Freeholders, elected May 29, 1888, in pursuance of the provisions of section eight, article eleven, of the Constitution of the State of California.

BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing, known as the City of Stockton, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Stockton, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of Stockton, and sell, convey, mortgage, and dispose of the same for the common benefit; and may determine and declare what are public uses, and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts, and donations of all kinds of property, within and without the city, in fee simple or in trust, for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

SEC. 2. The public buildings, lands, and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Stockton are hereby declared to be vested in the said City of Stockton.

SEC. 3. The said City of Stockton shall continue to have, hold, and enjoy all public buildings belonging to the City of Stockton, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

SEC. 4. Suits, actions, and proceedings may be brought in the name of the City of Stockton for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, said City of Stockton, whether made, or arising, or accruing before or after the adoption of this charter; and all existing suits, actions, and proceedings, in the Courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said City of Stockton.

SEC. 5. The City of Stockton shall be divided into four wards, the respective boundaries of which shall be as follows, to wit:

First Ward—All the territory within the limits of said city south of the center of Main Street and west of the center of Sutter Street.

Second Ward—All the territory within the limits of said city north of the center of Main Street and west of the center of Sutter Street.

Third Ward—All the territory within said city south of the center of Main Street and east of the center of Sutter Street.

Fourth Ward—All the territory within said city north of the center of Main Street and east of the Center of Sutter Street.

ELECTIONS.

SEC. 6. General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May next after the adoption of this charter. At each general election there shall be elected a Mayor, five members of the Council, members of the Board of Education, an Assessor, a Treasurer who shall be ex officio Tax Collector, a City Clerk and Controller, a City Surveyor, and a Superintendent of Streets.

SEC. 7. The provisions of Title II, Part III, of the Political Code, relating to elections, and all laws amendatory thereof and supplemental thereto, and all rights, duties, liabilities, and restrictions arising thereunder, not inconsistent with the provisions of this charter, are hereby, so far as the same can be applied, made applicable to all municipal elections; and the respective officers of the city shall have, possess, and perform such powers and duties in all matters relating to municipal elections as are by law conferred or imposed upon county officers and officers of election in State and county elections; and to that end, all rights, powers, and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred upon the Council; and all rights, powers, and duties so by law conferred or imposed upon the County Clerk are hereby conferred and imposed upon the City Clerk, except as in this charter provided.

SEC. 8. In establishing election precincts, the Council shall make them as geographically compact as possible, and so that no precinct shall have more than three hundred electors therein.

SEC. 9. Only such persons residing in the city, whose names appear upon the Great Register of San Joaquin County at the time of any municipal election, shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause the authenticated copies of such Great Register to be made and used at and for all municipal elections.

SEC. 10. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

LEGISLATIVE DEPARTMENT.

SEC. 11. The legislative power of the City of Stockton shall be vested in a Council of five members, whose terms of office shall be two years.

SEC. 12. One member of the Council shall be elected from each of the four wards of the city, each of whom shall at the time of his election be a resident of the ward from which he was elected. One member of the Council shall be elected from the city at large.

SEC. 13. The Council shall meet on the second Monday after the election of its members shall have been officially declared, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor, the President of the Council, or three members of the Council. Three members of the Council shall be a quorum, and the affirmative vote of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe.

SEC. 14. The Council shall annually elect a President from its own members, who may be removed by an affirmative vote of not less than three members of the Council.

SEC. 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of three of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body.

SEC. 16. The President of the Council, and the Chairman of each committee, and each and every city officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by their respective departments.

SEC. 17. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be renumbered as amended.

SEC. 18. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

SEC. 19. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

SEC. 20. Every bill, after it has passed the Council, shall be signed by the President thereof; and every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 21. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive four affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council.

SEC. 22. The action of the Council shall be by ordinance or resolution. To constitute an ordinance, a bill must before final action thereon be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege, or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than five hundred dollars), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken except by ordinance.

SEC. 23. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

SEC. 24. The Council shall, in the year one thousand eight hundred and ninety, and every tenth year thereafter, redistrict the city into four wards, making the same as nearly equal in population and as geographically compact as possible; but the city shall not be so redistricted within ninety days previously to any municipal election.

SEC. 25. The Council shall, during the first year after its organization under this charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinance, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of publication. The Council shall, every five years after the publication as herein provided, cause all the ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed.

SEC. 26. The enacting clause of all ordinances shall be in these words: "Be it ordained by the City Council of the City of Stockton, as follows."

SEC. 27. No contract for lighting streets, public buildings, places, or offices shall be made for a longer period than one year; nor shall any contract be made to pay for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer.

SEC. 28. No contract for the supplying of water for the use of the municipality, in any of its departments, shall be made wherein the rates exceed those charged to other consumers.

SEC. 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the Auditor, numbered, and registered in a book kept for that purpose.

SEC 30. The Council shall have power to pass ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of the streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues, and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets, erecting of gas and electric lights thereon, the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, sign posts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street or from houses or other buildings; public cries, advertising and other noises, steam whistles and the ringing of bells in the streets; the use of the streets and public places for foot passengers, animals, vehicles, cars, and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish, through the Board of Public Works, a general and comprehensive system of sewers in the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting and watering of the streets, avenues, and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate, under the superintendence of the Board of Public Works, the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings, or any buildings composed of combustible material therein, and for restraining the height of buildings or structures.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibitions, and practices which are against good morals and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitroglycerine, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter houses, washhouses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort; and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals, to establish a pound, and to authorize the destruction or impounding of any animals running at large.

17. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards, and officers of the city, and such furniture, fuel, lights, and stationery, and other supplies of any kind as are necessary for the convenient transaction of public business, all of which shall be provided by the Board of Public Works, upon requisition of the Council, when the expenditure to be incurred may exceed one hundred dollars. The Council shall, annually, at its first regular meeting in May, make such requisition for whatever it shall judge necessary for the ensuing fiscal year, and shall make other requisitions from time to time as occasion may require. The requisitions shall state in clear and explicit terms the quantity and kind of supplies, material, or work needed, and how, when, and where to be delivered or performed.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam boilers, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands, and regulate the rates of charges of hacks and other licensed vehicles.

22. To regulate the entrance to, and exit from theaters, lecture rooms, public halls, and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches, or other obstacles, in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city, for the use of water supplied to the city or the inhabitants thereof, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places, and public buildings.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen, or place sufficient warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads along, upon, and across, or elevated above, or placed below any streets of the city: *provided*, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks, and by ordinance passed by the votes of four fifths of the members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances, in, along, over, across, and under the streets; *provided*, that said appliances be so constructed as not to interfere with the free use of the sidewalk and streets.

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this charter.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

34. To grant franchises for the construction of street railroads on and along the streets of the city: *provided*, that whenever application is made for such franchises, the Council shall, by resolution, cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton, at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of such road, according to a verified statement of the same; *and provided further*, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved flat rail pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years: *provided, further*, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.

35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

36. To establish a City Hospital and to provide for its maintenance.

37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

38. To provide water for the uses of the city and its inhabitants.

39. To provide for the execution of all trusts confided to the city.

40. To offer rewards, not exceeding five hundred dollars, for the arrest and conviction of any person or persons who may have committed a felony in said city.

41. To provide an urgent necessity fund, not exceeding five hundred dollars a year, to be expended under direction of the Mayor.

42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance, and management of the same.

43. To grant to the charitable associations of the City of Stockton a sum not to exceed one hundred and fifty dollars per month.

44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance.

46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this charter or by general laws in said city.

47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this charter.

48. To appropriate out of the general fund of the city a sum not to exceed one thousand dollars in any one year to be used in celebrations of any legal holiday.

49. To provide for a Board of Health and prescribe their powers and duties.

50. To provide for removing human remains from the city.

EXECUTIVE DEPARTMENT.

OF THE MAYOR.

SEC. 31. The Mayor shall be the chief executive officer of the city, and his term of office shall be two years.

SEC. 32. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Boards, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in the matters of book-keeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 33. He shall, at least once in three months, together with a majority of the Finance Committee of the Council, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and Controllor.

SEC. 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect, or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any office, has been, or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employee, as in case of malfeasance in office.

SEC. 35. The Mayor may call special meetings of the Council. The action of the Council at special meetings shall be confined to the matters specified in the notice.

SEC. 36. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Council shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Council, assembled for the purpose. A member of the Council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 37. The Mayor may, when authorized by the Council so to do, appoint a Clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

SEC. 38. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Council and keep a journal of its

proceedings, all its by-laws, ordinances, and resolutions; and perform such other duties relating to his office as the Council shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be ex officio Controller and License Collector. As Controller he shall prescribe the manner of keeping all records and accounts of the city, and the form in which all financial reports shall be made; he shall also draw all warrants on the City Treasurer, and perform such other duties as are prescribed by ordinance or resolution.

ASSESSOR.

SEC. 39. It shall be the duty of the City Assessor to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the County Assessor for State and county purposes: to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. He shall receive a salary, to be fixed by the City Council, which shall not exceed five hundred dollars per annum. No change shall be made in the valuation of property fixed therein unless two days' notice be given to the taxpayer or his agent.

TREASURER.

SEC. 40. The Treasurer shall be ex officio Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law. As soon as suitable vaults and safes are provided, the Treasurer shall keep therein all moneys belonging to the city, and he shall not thereafter, under any circumstances, deposit with or loan to any person, corporation, or bank any of the moneys of the city, or allow the same (except in payment of demands against the city to pass out of his custody. If he shall violate any of the provisions of this section he shall forfeit his office and be forever disqualified from holding any position in the service of the city.

AUDITING COMMITTEES.

SEC. 41. There shall be a Board of Audit, to be composed of the Mayor, the City Clerk, and President of the Council. It shall be made the duty of the Board to make a final examination of all bills presented against the city for payment, except the claims of officers having a fixed salary. The Board shall act independently of every other Board, committee, department, or officer, and no claim, including claims for local improvements, shall be paid unless a majority of the Board shall certify that the services have been rendered or the materials furnished for which such bills may be presented, and that the charges are just and reasonable, or according to contract.

SEC. 42. All moneys drawn from the treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the Board of Audit, in whose office all such vouchers shall be filed.

SEC. 43. The Board of Audit shall have the right to require from the different officers, Boards, departments, and committees, all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in their respective offices or departments; and it is hereby made the duty of all such officers, Boards, departments, and committees to furnish and permit the same when required by the Board.

SEC. 44. It shall also have the right to examine any person presenting claims for settlement, or other witnesses concerning any such claim, and any member of the Board shall have authority to administer an oath to any such claimant or witness.

SEC. 45. It shall be the duty of the Board of Audit to report to the City Council monthly the name of every person in whose favor an account has been presented during the preceding month, with the amount thereof, and the decision of the Board on the same, and its final action thereon.

SEC. 46. Not later than fifty days next before the date established by this charter for the levy of city taxes, the several departments of the city government, through their boards of control, and the several officers administering departments without boards of control, shall submit to the Board of Audit itemized estimates of the amount of money necessary to carry on their several departments, for the next succeeding year. And from the estimates thus sub-

mitted, with such deductions or additions as they may deem expedient, the Board of Audit shall, not later than thirty days next before the date for levying city taxes, submit to the City Council for their guidance, an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year.

Sec. 47. At the end of every fiscal year the Board of Audit shall prepare and lay before the City Council an intelligible statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published as they shall declare by resolution, for gratuitous distribution among the inhabitants of the city.

PAYMENTS AND COLLECTIONS.

Sec. 48. All fees and other moneys received or collected by any officer, agent, or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Council may require, into the city treasury for the use of the city: and no payment of salary shall be made to any officer, agent, or employé, who shall be in receipt of money payable to the city, until he shall have taken and filed with the Controller an affidavit that he has paid into the city treasury all fees or other moneys theretofore received by him or collected: *provided, however*, that this section shall not apply to the fees allowed the Assessor for the collection of taxes on personal property.

OATH.

Sec. 49. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____) to the best of my ability."

Sec. 50. The compensation of officers and employés of the city shall be fixed by the City Council at the first regular meeting in April next preceding the election of officers under this charter, not to exceed, per annum, as follows: Mayor, two thousand five hundred dollars; Treasurer and Tax Collector, five hundred dollars; Assessor, seven hundred and fifty dollars; City Attorney, one thousand dollars; Prosecuting Attorney, five hundred dollars; City Clerk, one thousand eight hundred dollars; Superintendent of Streets, one thousand eight hundred dollars; Chief of Police, one thousand five hundred dollars; Municipal Judge, one thousand five hundred dollars; Chief of Fire Department, one thousand two hundred and fifty dollars; City Surveyor, six hundred dollars; Policemen, each, nine hundred dollars; Members of the Council, each, three hundred dollars; Clerk of Municipal Court, six hundred dollars; Harbor-master, one thousand dollars; employés of the Fire Department, each, nine hundred dollars: *provided, however*, that the salaries of the officers and employés named herein, for the first two years after the adoption of this charter, shall be, per annum, as follows: Mayor, two thousand dollars; Treasurer and Tax Collector, five hundred dollars; Assessor, six hundred dollars; City Attorney, eight hundred dollars; Prosecuting Attorney, five hundred dollars; City Clerk, one thousand five hundred dollars; Superintendent of Streets, one thousand five hundred dollars; Chief of Police, twelve hundred dollars; Municipal Judge, twelve hundred dollars; Chief Engineer of Fire Department, twelve hundred dollars; City Surveyor, three hundred dollars; Policemen, each, nine hundred dollars; Members of City Council, each, two hundred and fifty dollars; Clerk of Municipal Court, six hundred dollars; Harbor-master, one thousand dollars.

OFFICIAL BONDS.

Sec. 51. Every officer provided for by law shall, before entering upon the duties of his office, and within ten days after the mailing or delivery to him of his certificate of election or appointment, file an official bond in such sum as the Council may, by resolution, approved by the Mayor or passed over his veto, direct, payable to the city, which bond shall be subject to the law concerning official bonds of officers. All official bonds shall be approved by the Mayor and City Attorney (except that of Mayor, which shall be approved by the Treasurer and City Attorney, and also except that of City Attorney, which shall be approved by the Mayor and Treasurer), the approval to be indorsed thereon: and said bonds shall be filed and kept in the office of the City Clerk, and must also be recorded forthwith in the office of the City Clerk, in a book kept for that purpose. The official bond of the City Clerk, after recording, shall be filed and kept in the office of the Mayor. The City Council may at any time require an additional amount or new sureties upon any official bond which it may determine insufficient: and must require an additional bond or new sureties whenever a surety thereon shall die or become insolvent or cease to be a resident of the State. If such additional bond or additional security be not given, the Council, upon notification thereof by the Mayor, must declare the office vacant: and as soon as such declaration is made the office becomes vacant. No official bond shall be approved unless the sureties thereon shall justify in the manner provided for in the Political Code for justification of the official bonds of county officers: and all persons offered as sureties on official bonds may be personally examined on oath as to their qualification, by the officers whose duty it is to approve the bond. No officer or employé of the city, or member of the Council, shall be surety upon the official bond of any other officer of the city.

CITY ATTORNEY.

Sec. 52. The Mayor shall, by and with the advice and consent of the Council, appoint an attorney for the city, who shall be known as the City Attorney. His term of office shall be two years. He shall be an attorney and counselor at law, duly admitted to practice by the Supreme Court of this State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or Board of Public Works, and do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor.

Sec. 53. The Mayor shall, by and with the advice and consent of the Council, appoint a Prosecuting Attorney, whose duty it shall be to prosecute on behalf of the people all criminal cases before the Municipal Court, and all violations of city ordinances and resolutions.

TAXATION.

Sec. 54. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding one and one half per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property as aforesaid not exceeding two per cent in any one year, which, when collected, shall be paid into a fund, to be disbursed as follows:

1. To pay the interest on said bonds;
2. To a fund for the payment of the principal thereof; and,
3. To meet any indebtedness as aforesaid not funded. And the City Council in making said levy shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied, assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory or from any cause a portion only or a certain district of such city be liable under said laws and charters for the payment of the bonded and other indebtedness above named, or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness or any particular class or portion thereof, according to such existing laws and charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes, whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor; but the tax provided for in this section shall not exceed thirty-five cents on each one hundred dollars valuation upon the assessment roll in any one year; and shall in like manner raise by tax a fund for the establishment and maintenance of a free public library and reading room, such tax not to exceed in any one year the rate of ten cents on each one hundred dollars valuation, and not less than three cents thereon.

Sec. 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this charter to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Equalization mentioned in this charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to assessments of property in the city, or otherwise appertaining to his office, as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. The taxes so levied shall be lien upon the property assessed, from the first Monday in January, at twelve o'clock m.

Sec. 56. The City Council, or a committee of their number selected for that purpose by the City Council, at a meeting thereof to be held on the first Monday of April of each year, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list to the City Clerk, and after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the val-

uation of property as fixed by the Assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify or change such valuation in any way they shall deem just and proper: *provided, however*, that before making any change in any assessment, the Board shall notify the person interested, by letter deposited in the Post Office or express, postpaid and addressed to such person, at least three days before action taken, of the day fixed when the matter will be investigated: *provided, further*, that no reduction must be made in the valuation of property unless the party affected thereby or his agent makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said Board shall have power to administer oaths and affirmations in the matter before said Board, and the sessions of said Board shall be held from time to time as in its notice specified, for the period of two weeks and no longer.

SEC. 57. After the Board of Equalization shall have completed their duties, the City Clerk shall add up the columns of valuation, and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Clerk shall, on the first Monday of May thereafter, deliver it to the City Council.

SEC. 58. On the first Monday in May in every year the City Council, by an ordinance, shall levy upon all the property in the city taxable by law for State purposes, a tax for school purposes, and for the current and general expenses of the city, and in conformity to the provisions of this charter, shall levy any and all other taxes by law directed then to be levied or assessed; and in conformity with the provisions of this charter, shall levy a tax for the payment of the funded debt, upon the property liable therefor. Every tax so levied is made a lien which shall attach on said day in each year to and against all real property assessed for the amount assessed against it; and, if said property be assessed to a wrong person, or by a wrong name, said lien shall in nowise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid, or the property has absolutely vested in a purchaser, under and by reason of a sale for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof, from and after the time of the levy of such tax. The fiscal year shall begin on the first day of January, and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the State.

SEC. 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the City Clerk shall carry out in a separate money column in the list the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out the City Clerk shall certify to its correctness, and on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor.

SEC. 60. The Collector, on receiving the assessment list certified by the Clerk, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt thereof. For the purpose of collecting the taxes authorized by this charter, the Tax Collector shall have such powers as are given by the revenue laws of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the City Clerk a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list.

SEC. 61. On the third Monday in June of each year, at six o'clock p. m., all unpaid taxes are delinquent, and thereafter the Collector must collect thereon, for the use of the city, an addition of five per cent.

SEC. 62. On the first Monday in July of each year the Tax Collector must deliver to the City Clerk a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property.

SEC. 63. The City Clerk must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected.

SEC. 64. After settlement with the Tax Collector, as prescribed in the preceding section, the City Clerk must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector. Each taxpayer shall be required to make and deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of January.

SEC. 65. On or before the third Monday in July of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. To said list must be appended and with it published a notice that unless the taxes delinquent, together with the cost and

percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the Tax Collector's office, and not less than fourteen nor more than twenty-one days from the first publication.

SEC. 66. Said list must be published three times a week for three successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper, or a supplement thereto, stating the name and place of publication; such affidavit shall be prima facie evidence of all the facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

SEC. 67. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, all of which must go the city.

SEC. 68. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the Tax Collector, between the hours of ten o'clock a.m. and three p.m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 69. He may postpone the day of commencing the sale, or the sale, from day to day, but the sale must be completed within two weeks from the day first fixed.

SEC. 70. The owner or person in possession of any real estate offered for sale for taxes due thereon, may designate, in writing, to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents to the Tax Collector for the duplicate certificate of sale, is the purchaser.

SEC. 71. After receiving the amount of taxes and costs, the Tax Collector must make out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

SEC. 72. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder.

SEC. 73. The Tax Collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

SEC. 74. On filing the certificate with the County Recorder the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the City Treasurer for his use, of the purchase money and twenty-five per cent thereon.

SEC. 75. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase.

SEC. 76. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that required by the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 77. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall be entitled to receive from the purchaser three dollars for making such deed.

SEC. 78. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed, as required by law.
2. The property was equalized, as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.

5. At a proper time and place the property was sold as prescribed by law, and by the proper officer.

6. The property was not redeemed.

7. The person who executed the deed was the proper officer.

8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 79. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 80. The assessment roll or delinquent list, or a copy thereof, certified by the City Clerk, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

EDUCATIONAL DEPARTMENT.

SEC. 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city, at the regular municipal election, and shall hold office for the term of four years, and until their successors are elected and qualified; *provided, however*, that the Directors elected at the first election after the adoption of this charter, for the odd numbered wards, shall hold office for two years only. No person shall be eligible for the office of School Director who is not a parent, or the guardian of a child entitled to attend school.

SEC. 82. The School Directors shall enter upon the discharge of the duties of their office on the second Monday in September after their election, and the Board shall meet upon said date and organize by electing one of their number President, whose term of office shall be two years. The Board shall hold regular meetings, at least once in each month, at such time as shall be determined by its rules. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public, and its records open to public inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, when demanded by any member, and entered on the records of the Board. Any vacancy occurring in the Board shall be filled, until the next municipal election, by a majority vote of the remaining Directors.

SEC. 83. The power and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including high schools, to change, consolidate, and discontinue the same.
2. To manage and control the school property.
3. To employ, pay, and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.
4. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.
5. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.
6. To provide for the school department all necessary school supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.
7. To build, alter, repair, rent, and provide school houses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.
8. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city, and sold by the Board of Education; *provided*, that no real estate shall be bought, sold, or exchanged, without the concurrence of four fifths of the members of the Board, and the consent of the City Council, evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or personal property shall go into the General School Fund of the city; and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.
9. To grade, fence, and improve all school lots, and in front thereof, to grade, sewer, plank or pave, and repair streets, and to construct and repair sidewalks.
10. To sue for any and all lots, land, and property belonging to or claimed by said school department; and to prosecute and defend all actions at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land, and property.
11. To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding twenty-five cents on the one hundred dollars of valuation on the assessment roll, shall be reported in writing to the Board of Audit. This report shall specify the proper items of the amount

of money required to pay all outlays, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy, and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the Board of Audit by the Board of Education, as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes; *provided*, that if an emergency shall arise, when, in the opinion of the Board of Education, a greater tax than twenty-five cents on the one hundred dollars will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increase tax levy (not to exceed in the aggregate thirty-five cents on the one hundred dollars), and if the City Council shall sanction the same it shall pass an ordinance so fixing the rate for that particular year.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the Public School Fund.

13. To prohibit any child under six years of age from attending public schools.

14. To examine and allow, in whole or in part, every demand payable out of the School Fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

15. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board.

16. To dispose of at public or private sale such personal property as shall be no longer required by the Department.

17. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

18. To furnish books for children of parents unable to furnish them, and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

19. To use and apply the school funds of the city for the purposes herein named and for no other purposes whatever.

20. And generally to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city.

SEC. 84. It shall be the duty of the Board to prescribe a course of study that will fit and prepare the student therein to enter any of the departments of the State University.

SEC. 85. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition, and wants.

SEC. 86. The President of the Board of Education and the City Superintendent shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the School Fund, or other matter relating to their official duties.

SEC. 87. All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be determined by the Board, after due public notice, published for not less than ten days in one daily paper of the city.

SEC. 88. 1. No teacher shall be employed in any of the public schools of the city without having a certificate of the proper grade issued under the provisions of this charter.

2. For the purpose of granting certificates required by this section, the Board of Education, either as a body or by a Board of Examination appointed by said Board of Education, and of which the Superintendent shall be President, shall hold examinations of teachers.

3. No certificates shall be issued except to a person who shall have passed a satisfactory examination in such branches as the Board may require, and shall have given evidence of good moral character, ability, and fitness to teach.

4. Examinations of teachers shall be held annually at such time as the Board may determine.

5. The Board may, in its discretion, renew without examination the certificate of any person so employed.

6. It shall have power to revoke the certificate of any teacher upon evidence of incompetency, immoral, or unprofessional conduct.

7. The Board of Education may also, without examination, grant certificates, and fix the grade thereof, to the holders of Life, State Educational, Normal School, and State University diplomas, and to the holders of such State and county certificates as were in force and effect on the first day of January, 1880.

SEC. 89. The Board of Education, one month after its organization, shall elect by ballot a City Superintendent of Schools, whose term of office shall be two years, unless sooner removed for cause, by a vote of four fifths of the members after a full investigation. The Superintendent of Schools shall give his time and attention to the duties of his office, subject to the regulation of the Board of Directors. He shall have all the privileges of a member of the Board, except the right to vote. He shall act as secretary and book-keeper of the Board, and perform all clerical duties required by said Board. In the absence of the Superintendent, the Board may appoint one of its members to act as Secretary.

SEC. 90. It shall be the duty of the School Superintendent:

1. To report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper.

2. To visit each school and thoroughly examine each grade thereof at least once a month, and at such other times as the welfare and efficiency of the schools demand.

3. To observe and cause to be observed such general rules for the regulation, government, and instruction of the schools as may be established by the Board.

4. The Superintendent may, for good and sufficient cause, suspend any teacher employed in the schools of the city, until the next meeting of the Board of Education.

5. To recommend to the Board, for good cause, the dismissal of teachers and the cancellation of their certificates, stating the reason therefor.

6. To attend all sessions of the Board, and give information at each session of the condition of the public schools, school-houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city.

7. To acquaint himself with all the laws, rules, and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice upon matters connected with the public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

SEC. 91. He shall, at the regular meeting in the month of June of each year, submit to the Board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank-books, books for indigent children, apparatus, and such other necessary school appliances as may be necessary for the use of the city schools and the Board for one year following.

SEC. 92. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, advertise for the space of five successive days in some daily newspaper, published in the city, for sealed bids for furnishing the articles in said statement specified. Said advertisement shall designate a day, after the expiration of the publication aforesaid, when said proposals will be considered, at which time the Board shall meet and publicly open and declare the proposals received, and shall thereupon award the contract therefor to the lowest responsible bidder, or bidders, in each case; *provided*, that any or all bids, or any part thereof, may be rejected if deemed too high, and the Board shall thereupon readvertise for the articles contained in said rejected bid, or bids, or parts thereof, as provided above. The Board may, in its discretion, require a good and sufficient bond, with two or more sureties, to be filed by each bidder, in the sum of two hundred dollars, conditioned upon the fulfillment of his proposal in case of the acceptance thereof.

SEC. 93. Neither the Superintendent nor any Director shall be interested in any contract pertaining, in any manner, to the School Department of said city. All contracts in violation of the provisions of this section are declared void, and any Director or Superintendent violating or aiding in the violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars.

SEC. 94. The public school fund of such city shall consist of all moneys received from the State and county school fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said school fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this charter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys, and if, at the end of the fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and no part of the school fund shall be for any purpose, or in any manner whatever, diverted or withdrawn from such fund except as in this charter provided.

SEC. 95. All claims payable out of the School Fund shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members elected to said Board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be signed by the President, and countersigned by the Secretary. All demands for salaries of teachers, and compensation of janitors, shall be payable monthly, in the same manner, without presentation of claims therefor.

SEC. 96. All demands authorized by this article, and by the Board, approved as aforesaid, shall be paid by the City Treasurer from the School Fund, upon presentation of the warrant therefor; *provided*, that the Board of Education shall not have power to create any debts or liabilities, in any one year, to exceed the actual revenue or available means in the City Treasury, under the control of the Board, and justly applicable for school purposes for such year.

SEC. 97. The Superintendent shall receive for his services a salary to be fixed by the Board of Education, which shall not exceed fifteen hundred dollars per annum; *provided*, however, that this may be increased when the number of pupils and classes warrant it, upon recommendation of the Board, by a vote of four fifths of the City Council.

SEC. 98. The salary of the Superintendent shall be fixed by the Board at the regular meeting next preceding the municipal election.

SEC. 99. The City Attorney shall be the attorney of the Board, but the Board shall have power to employ counsel to assist the City Attorney whenever the Board deems it advisable.

SEC. 100. The school year shall consist of forty-two weeks of actual school, including legal holidays, and such vacations as may be granted by the Board of less than one week duration.

SEC. 101. The daily sessions of the schools shall continue for six hours, exclusive of the noon intermission, and including the recesses; *provided, however*, that no pupil under eight years of age shall be kept in school more than four hours a day.

SEC. 102. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and City Council, incur extraordinary expenditures in excess of the annual limit provided by this charter for repair, construction, and furnishing of school-houses; and the City Council may, by ordinance, cause to be transferred to the School Fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

SEC. 103. The Board of Trustees of any free public library, created or existing in such city under the provisions of an Act entitled "An Act to establish the free public libraries and reading rooms," approved April twenty-sixth, eighteen hundred and eighty, shall consist of five members, to be nominated by the Mayor and approved by the City Council, any provisions in said Act to the contrary notwithstanding.

JUDICIAL DEPARTMENT.

SEC. 104. The judicial power of the city shall be vested in a Municipal Court, to be held therein by a City Justice, to be designated and appointed by the Mayor; and it is hereby made the duty of said City Justice, in addition to the duties now required by law, to hold said Municipal Court. Said Justice shall be a duly licensed attorney of a Court of record.

SEC. 105. The Municipal Court shall have exclusive jurisdiction of the following public offenses committed in the city:

First—Petit larceny, receiving stolen property of the value of less than fifty dollars.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of official duty, or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine or by imprisonment, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

SECTION 3. The said Municipal Court shall have exclusive civil jurisdiction in the City of Stockton:

First—In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not amount to three hundred dollars.

Second—In actions for damages for injury to the person, or for taking, detaining, or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to, or possession of the same, if the damage claimed does not amount to three hundred dollars.

Third—In actions to recover the possession of personal property, if the value of such property does not amount to three hundred dollars.

Fourth—In actions for a fine, penalty, or forfeiture, not amounting to three hundred dollars, given by statute or the ordinance of an incorporate city and county, city, or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine.

Fifth—In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not amount to three hundred dollars, though the penalty may exceed that amount.

Sixth—To take and enter judgment for the recovery of money on the confession of a defendant, when the amount confessed, exclusive of interest, does not amount to three hundred dollars.

SECTION 4. The said Municipal Court shall have concurrent jurisdiction with the Superior Courts within this city:

First—In actions of forcible entry and detainer, where the rental value of the property entered upon or unlawfully detained does not exceed twenty-five dollars per month, and the whole amount of damage claimed does not exceed two hundred dollars.

Second—In actions to enforce and foreclose lien on personal property when neither the amount of the liens nor the value of the property amounts to three hundred dollars.

SEC. 106. Except as in the last preceding section provided, the jurisdiction of said City Justice or Municipal Court shall not, in any case, trench upon the jurisdiction of any other of the Courts of record of the State, nor extend to any other action or proceeding against ships, vessels, or boats for the recovery of seamen's wages for a voyage performed, in whole or in part, without the waters of this State.

SEC. 107. Said Court shall also have exclusive jurisdiction of all actions and proceedings for violation of any ordinance of said city, both civil and criminal, and of an action for the collection of any license required by any ordinance of said city.

SEC. 108. Said Justice shall not sit in cases in which he is a party, or in which he is interested, or where he is related to either party by consanguinity or affinity within the third degree; and, in case of the sickness or inability of the City Justice, the Mayor may call in a Justice of the Peace, residing in the County of San Joaquin, to act in his place and stead.

SEC. 109. The City Justice, while acting as Judge of said Court, shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execu-

tion, as the case may require, according to law, and punish persons guilty of contempt of Court; and shall have power to issue warrants of arrest in case a criminal prosecution for a violation of a city ordinance, as well as in case of the violation of the criminal law of the State; also, all subpoenas, and all other processes necessary to the full and proper exercise of his powers and jurisdiction; and in such of the cases enumerated in this section, in which trial by jury is not secured by the Constitution of the State, he may proceed to judgment in the first instance without a jury, but on appeal such defendant shall be entitled to trial by jury in the Superior Court.

Sec. 110. The Municipal Court shall have a clerk, to be appointed by the City Council upon the nomination of the Mayor, who shall hold office during the pleasure of the Council. The Clerk shall keep a record of the proceedings of, and issue all processes ordered by the City Justice, or by said Municipal Court, and receive and pay weekly into the city treasury all fines imposed by said Court. He shall also, each month, render to the Board of Audit an exact and detailed account, upon oath, of all fines imposed and collected, and of all fines imposed and uncollected since his last report, which said report is to be certified to by the City Justice. He shall prepare bonds, justify bail, when the amount has been fixed by the City Justice or said Court, in cases in which the bail does not exceed two hundred dollars, and may administer oaths. The Clerk shall remain at the Court-room of said Court during business hours, and during such reasonable times thereafter as may be necessary for discharging his duty, and said clerk shall also act as the Clerk of the Chief of Police. Before receiving his salary, each or any month, he shall make and file with the City Clerk an affidavit that he has deposited with the City Treasurer all moneys that have come to his hands belonging to the city. Any violation of this provision shall be a misdemeanor. He shall give a bond in the sum of five thousand dollars, with at least two sureties, to be approved by the Mayor, conditioned for the faithful discharge of the duties of his office.

Sec. 111. All fines and other moneys collected on behalf of the city in the Municipal Court shall be paid into the city treasury on the first Tuesday of each month; and all bills for fees and costs due the officers of said Court shall be reported to the City Council each month.

Sec. 112. The City Council shall furnish a suitable room for the holding of said Court, at which said City Justice shall remain from nine A. M. to twelve M., and from one P. M. to four P. M., and shall also furnish the necessary dockets and blanks. One docket shall be styled "The City Criminal Docket," in which all the criminal business shall be recorded, and each case shall be alphabetically indexed; another docket shall be styled "The City Civil Docket," and it shall contain each and every civil case in which the city is a party or which is prosecuted or defended for its interest, and each case shall be properly indexed. A third docket shall contain all the other business appertaining to the office of said City Justice, and in all cases the docket shall contain all such entries as are required by law to be made in Justices' dockets; and in any case tried before the Court, the docket must show what duties were performed by any officer of the Court, and the amount of the fees due to the officer for such services, and what amount of money, if any, collected.

Sec. 113. The Municipal Court shall be always open, except upon non-judicial days, and then for such purposes only as are by law permitted or required of other Courts of this State.

Sec. 114. Appeals may be taken from any judgment of said Municipal Court to the Superior Court of this county, in the same manner in which appeals are taken from Justices' Courts in like cases.

Sec. 115. Said Court shall have a seal, to be furnished by the city.

Sec. 116. The City Justice shall, on the first Tuesday of each month, make to the City Council a full and complete report of all cases, civil and criminal, in which the city has an interest, or which are required to be entered in the City Civil Docket, or the City Criminal Docket; such report to be made upon blanks to be furnished by the City Council and in such form as said Council may require.

Sec. 117. Certified transcripts of the dockets, made by the Clerk of said Court, under the seal of said Court, shall be evidence in any Court of this State of the contents of said docket; and all warrants and other process issued out of said Court, and all acts done by said Court, and certified under its seal, shall have the same force and validity in any part of this State as though issued or done by any other Court of record of this State.

Sec. 118. In all cases when the Municipal Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the City Jail, if there be one established by the City Council; if not, then until said Council shall designate and establish a City Jail or Prison, may sentence offenders to be imprisoned in the County Jail, and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, and for the benefit of the city during such time of imprisonment, and may, in case of imposing a fine, embrace as a part of the sentence that, in default of payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city, as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall, until the establishment of a City Jail, be returned to the County Jail at the end of each day's labor during their term of imprisonment, until a City Jail shall be by the City Council established. It is hereby made the duty of the officer having the control or charge of the County Jail of

the county wherein such city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Municipal Court, in accordance with the order of commitment, and to allow those to be removed from the jail, under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the said Justice may order brought forth for trial; and the keeper of said jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

Sec. 119. Said Court or Justice shall also have power to commit to the Home for the Care of the Inebriate, when any such institute may be established, any person who may be convicted before him of habitual intemperance, for a term not exceeding six months, or until sooner released by order of said Justice, or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

Sec. 120. The said Court or Justice shall have the power to commit all offenders under eighteen years of age duly convicted, to the Industrial School of said city, when any such school may be established, in all cases where such commitment shall by said Court or Justice be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If upon any trial it shall appear that the person on trial is under fourteen years of age, and has done an act which, if done by a person of full age, would warrant a conviction of the crime or misdemeanor charged, then and in that case said Court or Justice shall have power to commit such child to the Industrial School. In either case said Court or Justice may sentence such person to be confined in the correctional department of said Industrial School for any term not exceeding six months. Upon application of the Mayor, or any member of the City Council, or of any three citizens, charging that any child under eighteen years of age lives an idle or dissolute life, and that his parents are dead, or, if living, do from drunkenness or other vices or causes, neglect to provide any suitable employment, or exercise salutary control over such child, the said Court or Justice shall have power to examine the matter, and, upon being satisfied of the truth of such charges, may sentence such child to the Industrial School; *provided*, that no person shall be so sentenced for a longer period than until he arrives at the age of eighteen years.

Sec. 121. In cases where, for any offense, the said Court or Justice is authorized to impose a fine, or imprisonment in the County Jail, or both, it may sentence the offender to be employed at labor on the public works, or in the House of Correction, or workhouse, as the City Council may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed; and may, in case a fine is imposed, embrace, as a part of the sentence, that in default of payment thereof the offender shall be obliged to labor on said works at said House of Correction, or workhouse, when such may be established, or elsewhere, at the rate of two dollars a day till the fine imposed is satisfied; *provided*, that no person under the age of twenty-one years, or who is to be sentenced on conviction for drunkenness, or breach of the peace, shall be sentenced to labor upon the public works away from the House of Correction or workhouse.

Sec. 122. The Chief of Police shall designate a policeman, who shall attend constantly upon the Municipal Court, act as Bailiff thereof, and execute the orders and process of said Court, and of the Judge thereof.

Sec. 123. The Municipal Court and the City Justice shall be governed in their proceedings by the provisions of law regulating proceedings before Justices of the Peace, so far as such provisions are not altered or modified in this charter, and the same are or can be made applicable in the several cases arising before them. The Municipal Court of such city shall have power to make rules, not inconsistent with the Constitution and laws of this State, for the government of such Municipal Court, and the officers thereof; but such rules shall not be in force until thirty days after their publication, and no rule shall be made imposing any tax or charge on any legal proceeding, or giving any allowance to any Justice or officer for services.

Sec. 124. All actions and proceedings pending and undetermined before the Justice's Court of this city, if any, at the time of its organization under this Act, shall be proceeded in, heard, and determined in said Municipal Court, or before said City Justice therein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise, and the Court provided for under this Act shall be a continuation of the same Courts before existing, and not a new Court.

Sec. 125. It shall not be lawful for the Justice, Chief of Police, Policemen, Justice's Clerk, or any officer of such city, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or persons in any cause, or in relation to any demand, account, or claim, pending, or to be used or prosecuted before said Justice, or said Court, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

Sec. 126. No person, other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be permitted to appear as attorney or agent for any party in any case or proceeding before said Justice, or Court, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before said Justice, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney aforesaid shall be filed among the papers in such cause or proceeding.

Sec. 127. Said Court and the Justice thereof shall have all the jurisdiction and powers now or hereafter conferred by law upon Justice's Courts or Justices of the Peace, and shall charge and receive for the benefit of the city like fees for like services.

SEC. 128. The City Council of the City of Stockton shall have power to establish therein such Industrial Schools, Houses of Correction, workshops, homes for confirmed inebriates, and such other institutes as may be deemed proper, and to provide for the support, maintenance, and management of the same.

SEC. 129. The judgment of said Municipal Court in civil cases shall have the same force and effect as judgments of Justices of the Peace or Justices' Courts, and may be made a lien in the same manner.

SEC. 130. All provisions of law relating to Justices of the Peace and Justices' Courts are hereby made applicable to said Municipal Court and Justice.

POLICE AND FIRE DEPARTMENTS.

SEC. 131. The Police and Fire Departments shall be under the management of a Board of three Commissioners, to be appointed by the Mayor from among the qualified electors of the city, who shall hold office for the term of two years, but not more than two of said Commissioners shall belong to the same political party.

SEC. 132. The Commissioners shall enter upon their duties one month after the date on which the Mayor shall take office, and they shall organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employees; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 133. The Board shall hold regular meetings at least once a month and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the Board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the Board. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting of the Board except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had.

SEC. 134. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 135. The officers, members, and employees of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board, after due investigation and trial, as provided in sections twelve and thirteen of this article. The salaries of officers, clerks, and employees of the Board, except so far as the same are designated in this charter, shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board.

SEC. 136. The Board shall have power:

1. To prescribe the qualifications, duties, badges of office, and uniforms of officers, members, and employees of said departments.
2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.
3. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member, or employee of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline, and efficiency of said departments.
4. To appoint and to remove at their discretion special policemen, who shall be under the supervision and control of the Chief of Police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the City Council.

5. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said Board by this charter, or by any ordinance of the City Council passed pursuant thereto, or by the Constitution and laws of this State, and in general to manage and control said departments.

SEC. 137. The Board shall have the custody and control of the houses, engines, hose-carts, trucks, ladders, horses, stables, and all other property and equipments now or hereafter used by or belonging to said departments.

SEC. 138. The Board shall annually report to the Board of Audit an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 139. The Board shall make full lengthy reports to the City Council of its acts and expenditures, and also of the condition of said departments.

SEC. 140. Every claim against the Police Department or the Fire Department shall be verified by the claimant and approved by the Board in open session, which approval shall be entered in the records of the Board. No such claim shall be allowed or ordered paid by the City Council until the same has been approved by said Board, and has indorsed thereon such approval, authenticated by the signatures of the President and Secretary of the Board.

SEC. 141. The Board shall determine and report to the City Council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, hooks and ladders, and also as to alterations and repairs required, but the action of the Board with respect to the necessity of these matters shall be only advisory to the City Council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the City Council. All contracts let and work ordered for said departments shall be let and ordered by the Board, and the Board shall see that the same are faithfully carried out and performed; *provided, however*, that the Board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of two hundred and fifty dollars.

SEC. 142. *First*—The Police Department shall consist of a Chief of Police and such captains, detectives, and other policemen, not exceeding in the aggregate one to every one thousand inhabitants of the city.

Second—The Board may, with the consent of the City Council, evidenced by ordinance, add to the above numbers, from time to time, should the increase of population and public interest so require.

Third—The Fire Department shall consist of a Chief Engineer and as many drivers, engineers, hosemen and other employes as the City Council may by ordinance authorize on recommendation of the Board.

SEC. 143. Any officer, member, or employe of the Police or Fire Department, other than the Police and Fire Commissioners and Chief of Police, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member, or employe, shall be liable to be punished by reprimand, forfeiture of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member, or employe; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member, or employe. The Board shall annually render to the City Council a verified, itemized account of all moneys so received and disbursed during the preceding year.

SEC. 144. In all investigations or trials conducted by said Board, the President thereof shall have the power to issue subpoenas for, and to compel the attendance of witnesses, and the production of papers before it. Such subpoenas shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigations.

SEC. 145. The policemen constituting the police force, and the drivers, engineers, hosemen, and other employes constituting the working force of the Fire Department at the time when this charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause, as provided in sections twelve and thirteen of this article.

DEPARTMENT OF STREETS AND WHARVES.

SEC. 146. The Mayor, the City Surveyor, and the Superintendent of Streets shall constitute a Board of Public Works. As such Board they shall meet at least once a month.

SEC. 147. The Department of Streets and Wharves shall embrace the control of the waterfront and wharves; of the streets, sidewalks, bridges, and public thoroughfares; of the parks and public grounds; of the sewer system, drainage, and sewers; of the water-courses and channels within the city; of the lighting of the streets and public buildings, and of everything of a public nature pertaining to said subjects, or to either of them; also, of all such special matters as the City Council may by ordinance commit to its charge, and not otherwise provided for in this charter.

SEC. 148. All contracts let, and work ordered for said department, shall be let and ordered by the Board, and the Board shall see that the same are faithfully carried out and performed. The time for the completion of contracts shall be definitely fixed and agreed upon, and no further time shall be granted by the City Council, except on recommendation of the Board.

SEC. 149. The Board shall have power to make repairs, when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of three hundred dollars.

SEC. 150. All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, and issued on properly prepared blanks. These orders must be made in duplicate, and numbered, with the words: "To be returned with the bill of articles or supplies named in this order," plainly printed thereon; one to be retained on file in the Mayor's office, one to be returned with the bill of the merchant or dealer who has filled the same, and so submitted to the City Council.

SEC. 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Controller shall draw his warrant for the amount, and charge the same to the proper account.

SEC. 152. The Mayor shall be ex officio Chairman of the Board. He shall countersign all orders for supplies needed, etc., all claims for work performed, and all warrants for monthly services of any officer in this department. No order, or claim, or warrants, shall

be valid without such signature thereto. He shall, in his monthly reports to the City Council, lay before them a statement of the work of said department, and a statement of the expenditures therein during the previous month, together with the recommendations of the Board as to improvements, and other matters concerning said department, said recommendations being numbered as the Board may direct. These recommendations shall be filed in regular order as presented; they shall have precedence in the deliberations of the Council in the same order, and, if concurred in, the Council shall in like order authorize the Board to carry out said recommendations.

SEC. 153. A certified copy of all work ordered by the City Council in said department shall at once be forwarded by the City Clerk to the Mayor, who shall receipt for the same, and shall enter on his journal an acknowledgment thereof; and it shall be his duty to see that the work described in such order is performed with due diligence.

SEC. 154. The City Surveyor shall make all surveys, maps, plans, diagrams, estimates, specifications, and calculations required by the Board, and shall give such professional advice and assistance as will lead to a skillful and economical administration of said department. He shall make no charge to any citizen for surveying any work that is ordered or authorized by the Board. He shall possess the same power in the city in making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor, and his official acts, and all plats, surveys, and certificates made by him shall have the same validity, and be of the same force and effect as are or may be given by law to those of the County Surveyor.

SEC. 151. The Superintendent of Streets shall be the executive officer and Secretary of the Board. It shall be his duty to see that all laws, ordinances, orders, and regulations relating to the Department of Streets and Wharves be fully carried into execution, and that the penalties for violations thereof be rigidly enforced. He shall keep a set of books, in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligible manner, and the books always open for reference and inspection.

SEC. 155. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the purpose of ascertaining the condition of all sewers, drains, cesspools, and vaults; and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance.

SEC. 156. The Superintendent of Streets shall have full control of all the employes in the Department of Streets and Wharves (except those working under contract). The number to be employed from time to time shall be agreed upon by the Board, and entered upon the journal of the Superintendent of Streets, who may employ whom he chooses, and may discharge, suspend, or replace at pleasure; he shall keep a time book with said employes, and shall turn the same into the City Clerk's office on the evening of every working day. He shall make monthly reports to the Board. He may, with the consent of the City Council, and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties. He shall give bonds with two or more sufficient sureties for the faithful performance of his duties.

SEC. 157. The wharves and city waterfront shall be under the charge of an officer, to be entitled Harbormaster. He shall be appointed by the Mayor, and shall enter upon his duties one month after the date upon which the Mayor shall take office. He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties, and shall receive a salary not to exceed one thousand dollars per annum, payable monthly.

SEC. 158. He shall have an office in one of the steamboat sheds; he shall keep a set of books in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the Board a detailed statement of such receipts for the preceding month, certifying to the same, and attaching thereto the City Treasurer's receipt for the full corresponding amount.

SEC. 159. The Harbormaster shall give prompt notice to the Board of any defect or weakness, or any needed repairs in or about the wharves and waterfront. Any damage to the wharves, or buildings, or material thereon belonging to the city, caused by any steamer or other water craft, shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law.

SEC. 160. The Harbormaster shall be appointed a police officer, but with no additional pay. He shall exercise the functions of a police officer only in and about the department of wharves and waterfront, to preserve the peace and to enforce the provisions of law and the rules governing the management of said department, and to arrest offenders attempting to evade said laws and rules, or opposing him in the enforcement thereof.

SEC. 161. The City Council shall have authority to fix and to change at its pleasure the rates of wharf rent, harbor dues, wharfage, dockage, and such other taxes or charges as shall be imposed for the use of the wharves, or upon vessels, or their owners, or masters, or upon merchandise entering or departing from any waterway within the corporate limits of the city. All revenue derived from the several sources mentioned in this section shall constitute a separate fund, and shall be devoted exclusively to the dredging of channels, the building and repairing of wharves and bulkheads, and generally to the improvement of the wharves, levees, and waterfront.

SEC. 162. All harbor dues from vessels shall be collected upon their registered tonnage, and shall be deemed to be due and collectible upon the arrival of any steamer or other

vessel at a wharf within the city. And no vessel shall occupy the waterfront or any wharf for more than six consecutive days without the consent of the Board of Public Works, and without the payment of the charges established by ordinance of the City Council. All other dues or charges, of whatsoever kind, and whether against a vessel, or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be.

SEC. 163. No person, corporation, or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or structure within a definite time, to be specified in the ordinance, and if the owner or persons in control of the same shall neglect or refuse to remove it within the specified time, then the Board of Public Works shall remove the same. The wharves and waterfront shall be divided into convenient spaces, and the wharf sections shall be designated by numbers, and the waterfront sections by letters.

SEC. 164. For the purpose of providing for permanent waterfront improvements, a sum equal to four (4) per cent of the revenue actually collected for general purposes shall be set aside and placed at interest, and such sum shall constitute a special fund; and whenever a sufficient sum shall have accumulated to pay for constructing one hundred (100) feet of permanent wharf, the same shall be applied to that purpose; *provided, however*, that the construction of wharves from this fund shall begin at the head of the channel on El Dorado Street.

STREET DEPARTMENT.

SEC. 165. All streets, lanes, alleys, places, or courts, in the municipalities of this State now open or dedicated, or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts, for the purposes of this Act, and the City Council of each municipality is hereby empowered to establish and change the grades of said streets, lanes, alleys, places, or courts, and fix the width thereof, and is hereby invested with jurisdiction to order to be done thereon any of the work mentioned in section two of this Act, under the proceedings hereinafter described.

SEC. 166. Whenever the public interest or convenience may require, the City Council is hereby authorized and empowered to order the whole or any portion of the streets, lanes, alleys, courts, or places of any such city graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, and to order sidewalks, sewers, manholes, culverts, curbing, and crosswalks to be constructed therein, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, sidewalks, lanes, alleys, courts, or places, and it may order any of the said work to be improved.

SEC. 167. Before ordering any work done or improvements made, which is authorized by section two of this Act, the City Council shall pass a resolution of intention so to do, and describing the work. The Street Superintendent shall thereupon cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is the improvement of an entire crossing, in front of each quarter block liable to be assessed, notices of the passage of said resolution. Said notices shall be headed, "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars. He shall also cause a notice, similar in substance, to be published for a period of five days in one or more daily newspapers published and circulated in said city, and designated by said City Council, or by one insertion in a weekly newspaper so published, circulated, and designated. The owners of one half or more of the frontage of the property fronting on the said proposed work or improvement, where the same is for one block or more, may make a written objection to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the City Council, who shall indorse thereon the date of its reception by him, and such objection so delivered and indorsed shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of one half or more of the frontage as aforesaid shall meanwhile petition for the same to be done. At any time before issuance of the assessment roll all owners of lots or lands liable to assessment therein, who after the first publication of said resolution of intention may feel aggrieved, or who may have objections to any of the subsequent proceedings of the said Council in relation to the performance of the work mentioned in said notice of intention, shall file with the Clerk a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object; such petition or remonstrance shall be passed upon by the said City Council, and its decisions therein shall be final and conclusive. But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, and the objection thereto is signed by the owners of one half or more of the frontage as aforesaid, the said City Council shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The City Clerk shall thereupon notify the persons making such objections, by depositing a notice thereof in the Post Office of said city, postage prepaid, addressed to each objector, or his agent, when he appears for such

objector. At the time specified said City Council shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive, and the said bar for six months to any further proceedings shall not be applicable therein. And when not more than two blocks remain ungraded between one or more blocks on each side thereof, which have been graded, said City Council may order that part of said street or highway so remaining ungraded, not exceeding two blocks, to be graded and improved, and the grading and improvement of said two blocks or less shall not be stayed or prevented by any written or other objection, unless such Council shall deem proper. And if one half or more in width or in length, or as to grading, one half or more of the grading work of any street lying and being between two successive main street crossings, or if a crossing has been already graded or improved as aforesaid, said Council may order the remainder improved, graded, or otherwise, notwithstanding such objections of property owners. At the expiration of ten days after the expiration of the time of publication, and at the expiration of fifteen days after the posting of any resolution of intention, if no written objection to the work therein described has been delivered as aforesaid by the owners of one half or more of the frontage of the property fronting on said work or improvement, the City Council shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which is authorized by section two of this Act. Before passing any resolution for the construction of said improvements, plans and specifications and careful estimates of the cost and expenses thereof shall be furnished to said City Council, if required by it, by the City Engineer of said city, and for the work of constructing sewers specifications shall always be furnished by him. Whenever the estimated or actual cost of any work contemplated or ordered to be done by the City Council and chargeable under the provisions of this Act against any lot or lots of land or the owner thereof, shall exceed one half of the assessed value of such lot or lots as borne upon the last assessment roll whereon it was assessed, made for the levying of taxes for municipal purposes, the amount of the cost of said work exceeding said one half of the assessed value of said lot or lots, shall be paid out of the City Treasury, unless the owner of such lot or lots shall, in writing signed by himself or his authorized agent, consent that the whole expense of said improvement may be made a charge against said lot or lots.

SEC. 168. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, or their duly authorized agents, may petition the City Council to order any of the work mentioned in section two of this Act to be done, and the City Council may order the work mentioned in said petition to be done after notice of its intention so to do has been posted and published as provided in section three of this Act.

SEC. 169. Before the awarding of any contract by the City Council for doing any work authorized by section two of this Act, the City Council shall cause notice to be posted conspicuously for five days on or near the Council Chamber door of said Council, inviting sealed proposals for the work contemplated. All proposals offered shall be accompanied by a check payable to the order of the Mayor of the city, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or, if so prescribed by the City Council, by a bond for the said amount, signed by the bidder and by two sureties, who shall justify before any officer competent to administer an oath, in double the said amount over and above all statutory exemptions. Said proposals shall be delivered to the Clerk of the said City Council, and said Council shall, in open session, examine and publicly declare the same; *provided, however*, that no proposal shall be considered unless accompanied by said check or bond satisfactory to the Council. The City Council may reject any and all bids, should it deem this for the public good, and also the bid of any party who has been delinquent and unfaithful in any former contract with the municipality, and shall reject all bids other than the lowest regular bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder, at the prices named in his bid, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bids so rejected. But the check accompanying such accepted proposal or bid shall be held by the City Clerk of said city until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of a major part of the frontage, whereupon said certified check shall be returned to said bidder. But if said bidder fails, neglects, or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be declared to be forfeited to said city, and shall be collected by it and paid into its fund for repairs of streets; and any bond forfeited may be presented, and the amount due thereon collected and paid into said fund. Notice of such awards of contract shall be posted for five days in the same manner as hereinbefore provided for the publication of proposals for said work. The owners of the major part of the frontage of lots and land upon the street whereon said work is to be done, which are liable to be assessed for said work, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals, but may, within ten days after the first posting of notice of said award, elect to take said work, and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work and to enter into a written contract therefor within said ten days, or to commence the work within fifteen days after the first publication of said award, and to prosecute the same with diligence to completion, it shall be the duty of the Superintendent of Streets to enter into a contract with the original

bidder to whom the contract was awarded, and at the prices specified in his bid. But if said original bidder neglects, fails, or refuses for fifteen days after the first posting of notice of the award to enter into the contract, then the City Council shall again advertise for proposals, as in the first instance, and award the contract for said work to the then lowest regular responsible bidder. The bids of all persons and the election of all owners as aforesaid, who have failed to enter into contract as herein provided, shall be rejected in any bidding or election subsequent to the first, for the same work. If the owners or contractor who may have taken any contract do not complete the same within the time limited in the contract, or within such further time as the City Council may give them, the Superintendent of Streets shall report such delinquency to the City Council, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole. All contractors, contracting owners included, shall at the time of executing any contract for street work herein, execute a bond to the satisfaction and approval of the Superintendent of Streets of said city, with two or more sureties, and payable to such city, in such sums as the said Mayor shall deem adequate, conditional for the faithful performance of the contract; and the sureties shall justly before any person competent to administer an oath, in double the amount mentioned in said bond over and above all statutory exemptions. Before being entitled to a contract the bidder to whom award was made, or the owners who have elected to take the contract, must advance to the Superintendent of Streets for payment by him, the cost of publication of the notices required hitherto under the proceedings prescribed in this Act.

SEC. 170. The Superintendent of Streets is hereby authorized, in his official capacity, to make all written contracts, and receive all bonds authorized by this Act, and to do any other act, either express or implied, that pertains to the Street Department under this Act, and he shall fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day thereafter to completion, and he may extend the time so fixed from time to time, under the direction of the City Council. The work provided for in section two of this Act must, in all cases, be done under the direction and to the satisfaction of the Superintendent of Streets, and the materials used shall comply with the specifications and be to the satisfaction of said Superintendent of Streets, and all contracts made therefor must contain a provision to that effect and also express notice that, in no case, except where it is otherwise provided in this Act, will the city, or any officer thereof, be liable for any portion of the expense, nor for any delinquency of persons or property assessed. The City Council may, by ordinance, prescribe general rules directing the Superintendent of Streets and the contractor as to the materials to be used and the mode of executing the work, under all contracts thereafter made. The assessment and apportionment of the expenses of all such work or improvement shall be made by the Superintendent of Streets in the mode herein provided.

SEC. 171. Subdivision 1. The expenses incurred for any work authorized by section two of this Act, which shall not include such portion of any street as is required by law to be kept in order or repair by any person, or company having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage, at a rate per front foot sufficient to cover the total expense of the work. But wherever the said assessment upon any lot or portion of a lot would exceed one half of the valuation of said lot or portion of a lot, as it was last assessed for municipal taxation, then unless the owner, or his attorney in fact, shall have previously filed with the Superintendent of Streets a written waiver of the partial exemption herein provided, the assessment and the lien thereof upon said lot or portion of a lot shall be only to the amount of one half of said last preceding municipal valuation, and the proper remainder of said assessment shall be assessed to the city, and be payable out of the city treasury.

Subdivision 2. The expenses of all improvements, except such as are done by contractors, under the provisions of section thirteen of this Act, until the streets, street crossings, lanes, alleys, places, or courts are finally accepted, as provided in section twenty of this Act, shall be assessed upon the lots and lands as provided in this section, according to the nature and character of the work; and after such acceptance the expenses of all work thereafter done thereon shall be paid by said city out of the Street Department Fund.

Subdivision 3. The expense of work done on main street crossings shall be assessed at a uniform rate per front foot of the four quarter blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the quarter blocks fronting on said main streets, but only according to its frontage in said quarter blocks.

Subdivision 4. Where a main street terminates in another main street the expenses of the work done on one half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the fronting of such lots on said main streets, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street opposite such termination.

Subdivision 5. Where any small or subdivision street crosses a main street the expense of all work done on said crossings shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street, if it does not meet another.

Subdivision 6. The expense of work done on small or subdivision street crossings shall be assessed upon the lots fronting upon such small streets on each side thereof in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such street, if it does not meet another.

Subdivision 7. Where a small street, lane, alley, place, or court terminates in another street, lane, alley, place, or court, the expense of the work done on one half of the width of the street, lane, place, alley, or court opposite the termination, shall be assessed upon the lot or lots fronting on such small street or lane, alley, place, or court so terminating, according to its frontage thereon, half way on each side respectively, to the next street, lane, alley, place, or court, or to the end of such street, lane, alley, place, or court, if it does meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision 8. Where any work mentioned in section two of this Act (sewers, man-holes, cesspools, culverts, crosswalks, crossings, curbsings, grading, curbing, piling, and capping excepted) is done on one side of the center line of said streets, lanes, alleys, places, or courts, the lots or portions of the lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this section.

Subdivision 9. Section one of chapter three hundred and twenty-five of the laws of this State, entitled an Act amendatory of and supplementary to an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved April nineteenth, eighteen hundred and fifty-nine, shall not be applicable to the provisions of this section, but the property herein mentioned shall be subject to the provisions of this Act, and to be assessed for work done under the provisions of this section.

Subdivision 10. It shall be lawful for the owner or owners of lots or lands fronting on any street, the width and grade of which have been established by the City Council, to perform at his own expense (after obtaining from the City Council permission so to do, but before said Council has passed its resolutions of intention to order grading inclusive of this) any grading upon said street to its full width, with its grade as then established, and thereupon to procure, at his own expense, a certificate from the City Engineer, setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, and thereafter to file said certificate with the Superintendent of Streets, which certificate the Superintendent shall record in a book kept for that purpose in his office, properly indexed. Whenever thereafter the City Council orders the grading of said street or any portion thereof, on which any grading certificate as aforesaid has been done, the bids and contracts must express the prices by the cubic yard for cutting and filling and grading; and the said owner and his successors in interest shall be entitled to credit on the assessment upon his lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his said certificate, at the prices named in the contract for said cutting and filling, or if the grade has meanwhile been duly altered, only for so much of said certificated work as would be required for grading to the altered grade; *provided, however*, that such owner shall not be entitled to such credit as may be in excess of the assessments for grading upon the lots and lands owned by him and proportionately assessed for the whole of said grading; and the Superintendent of Streets shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, for the whole of said grading to the duly altered grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments made upon the amounts assessed against the lots and lands owned respectively by said certificated owners and their successors in interest; *provided, however*, that he shall not so include any grading quantities, or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners, or their successors in interest.

Subdivision 11. The City Council may include in one resolution of intention and order any of the different kinds of work mentioned in section two of this Act, and it may except therefrom any of said work already done upon the grade. The lots and portions of lots fronting upon said excepted work shall not be included in the frontage assessment for the class of work from which the exception is made; *provided*, that this shall not be so construed as to affect the special provisions as to grading contained in subdivision ten of this section.

SEC. 172. After the contractor of any street work has fulfilled his contract to the satisfaction of the Street Superintendent of the said city, or City Council on appeal, the Street Superintendent shall make an assessment to cover the sum due for the work performed and specified in said contracts (including any incidental expenses), in conformity with the provisions of the preceding section, according to the character of the work done; or, if any direction and decision shall be given by said Council on appeal, then in conformity with such direction and decision, which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, or portion of a lot, if known to the Street Superintendent; if unknown, the word "unknown" shall be written opposite the number of the lot, and the amount assessed thereon, the number of each lot or portion of a lot assessed, and shall have attached thereto a diagram exhibiting each street or street crossing, lane, alley, place, or court, on which any work has been done, and showing the relative location

of each distinct lot or portion of a lot to the work done, numbered to correspond with the numbers in the assessments, and showing the number of feet fronting assessed for said work, contracted for and performed.

SEC. 173. To said assessment shall be attached a warrant, which shall be signed by the Superintendent of Streets and countersigned by the Mayor of said city. The said warrant shall be substantially in the following form:

FORM OF THE WARRANT.

By virtue hereof I (name of Superintendent of Streets), of the City of ———, County of ——— (or City and County of ———), and State of California, by virtue of the authority vested in me as said Superintendent of Streets, do authorize and empower (name of contractor) (his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (his or their) warrant for the same.

(Date.)

(Name of Superintendent of Streets.)

Countersigned by (name of) Mayor.

Said warrant, assessment, and diagram shall be recorded in the office of said Superintendent of Streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portions of lots assessed, respectively, for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment, and diagram, all persons mentioned in section eleven of this Act shall be deemed to have notice of the contents of the record thereof. After said warrant, assessment, and diagram are recorded the same shall be delivered to the contractor or his agent or assign, on demand, but not until after the payment to the said Superintendent of Streets of the incidental expenses not previously paid by the contractor or his assigns; and by virtue of said warrant said contractor or his agents or assigns shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

SEC. 174. The contractor or his assigns, or some person in his or their behalf, shall call upon the persons assessed or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person in his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a separate receipt if demanded. Whenever the persons so assessed, or their agents, cannot conveniently be found, or whenever the name of the owner of the lot is stated as "unknown" on the assessment, then the said contractor or his assigns, or some person in his or their behalf, shall publicly demand payment on the premises assessed. The warrant shall be returned to the Superintendent of Streets within thirty days after date, with a return indorsed thereon, signed by the contractor or his assigns, or some person in his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid, in whole or in part, and the amount thereof. Thereupon the Superintendent of Streets shall record the return so made, in the margin of the record of the warrant and assessment, and also the original contract referred to therein, if it has not already been recorded, at full length in a book to be kept for that purpose in his office, and shall sign the record. The said Superintendent of Streets is authorized at any time to receive the amount due upon any assessment list and warrant issued by him, and give a good and sufficient discharge therefor; *provided*, that no such payment so made after suit has been commenced, without the consent of the plaintiff in the action, shall operate as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff; and he may release any assessment upon the books of his office on the payment to him of the amount of the assessment against any lot, with interest, or on the production to him of the receipt of the party or his assigns to whom the assessment and warrant were issued; and if any contractor shall fail to return his warrant within the time and in the form provided in this section, he shall thenceforth have no lien upon the property assessed; *provided, however*, that in case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which a return may be made, with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of ten per cent per annum until paid.

SEC. 175. The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this Act or in the assessment feeling aggrieved by any act or determination of the Superintendent of Streets, in relation thereto, or who claim that the work has not been performed according to contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the Superintendent of Streets, shall within thirty days after the date of the warrant appeal to the City Council, as provided in this section, by briefly stating their objections in writing and filing the same with the Clerk of said City Council. Notice of the time and place of the hearing briefly referring to the work contracted to be done or other subject of appeal, and to the acts, determinations, or proceedings objected to or complained of, shall be published for five days. Upon such appeal the said City Council may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations.

ations of the Superintendent of Streets relative to said work, may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the City Council; and may instruct and direct the Superintendent of Streets to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment, and diagram, to conform to the decisions of said City Council in relation thereto, at their option. All the decisions and determinations of said City Council, upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section as to all errors, informalities, and irregularities which said City Council might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the City Council as provided in this section, for any error, informality, or other defect in any of the proceedings prior to the assessment or in the assessment itself where notice of the intention of the City Council to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city for the length of time prescribed by law, before the passage of the resolution ordering the work to be done.

SEC. 176. At any time after the period of thirty-five days from the date of the warrant, as hereinbefore provided, or if any appeal is taken to the City Council, as is provided in section eleven of this Act, at any time after five days from the decision of said Council, or after the return of the warrant or assessment, after the same may have been corrected, altered, or modified, as provided in section eleven of this Act (but not less than thirty-five days from the date of the warrant), the contractor or his assignee may sue, in his own name, the owner of the land, lots, or portions of lot assessed, on the day of the date of the recording of the warrant, assessment, and diagram, or on any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon, as hereinbefore provided; and in all cases of recovery, under the provisions of this Act the plaintiff shall recover the sum of fifteen dollars, in addition to the taxable cost as attorney's fees, but not any percentage upon said recovery. Suit may be brought in the Superior Court within whose jurisdiction the city is in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands the owners whereof cannot with due diligence be found, the service in each of such actions may be had in such manner as is prescribed in the Codes and laws of this State. The said assessment, warrant, and diagram, with the affidavit of demand and non-payment, shall be held prima facie evidence of the regularity and correctness of the assessment, and of the prior proceedings and acts of the Superintendent of Streets and City Council upon which said warrant, assessment, and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The Court in which such suit shall be commenced shall have power to adjudge and decree a lien against such premises to be sold on execution, as in other cases of the sale of real estate by the process of said Courts; and on appeal the appellate Court shall be vested with the same power to adjudge and decree a lien and to order such premises to be sold on execution or decree as is conferred on the Court from which an appeal is taken. Such premises, if sold, may be redeemed as in other cases. In all suits now pending or hereafter brought to recover street assessments, the proceedings therein shall be governed and regulated by the provisions of this Act, and also when not in conflict herewith by the Codes of this State. This Act shall be liberally construed to effect the ends of justice.

SEC. 177. Whenever any portion of any street, lane, alley, court, or place in said city, improved, or any sidewalk constructed thereon according to law, shall be out of repair and in condition to endanger persons or property passing thereon, or in condition to interfere with the public convenience in the use thereof, it shall be the duty of said Superintendent of Streets to require, by notice in writing to be delivered to them personally or left on the premises, the owner or occupants of lots or portions of lots fronting on said portion of said street, lane, alley, court, or place, or of said portion of said walk so out of repair as aforesaid, to repair forthwith said portion of said street, lane, alley, court, or place to the center thereof, or said sidewalk in front of the property of which he is the owner or tenant or occupant; and said Superintendent of Streets shall specify in said notice what repairs are required to be made. After the expiration of three days from the date of the service of said notice, the said Superintendent of Streets shall be deemed to have acquired jurisdiction to contract for the making of the repairs required by said notice. If said repairs be not commenced within three days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the said Superintendent of Streets may, under authority of said City Council, make such repairs or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, at a reasonable price, to be determined by said Superintendent of Streets, and such owner, tenant, or occupant shall be liable to pay the same. Upon the completion of said repairs by said contractors as aforesaid to the satisfaction of said Superintendent of Streets, said Superintendent of Streets shall make and deliver to said contractor a certificate to the effect that said repairs have been properly made by said contractor, and that the charges for the same are reasonable and just, and that he, said Superintendent, has accepted the same.

SEC. 178. If the expenses of the work and material for such improvements, after the completion thereof and the delivery to said contractor of said certificate, be not paid to the contractor so employed or his agent or assignee on demand, the said contractor or

his assignee shall have the right to sue such owner, tenant, or occupant for the amount contracted to be paid; and said certificate of the Superintendent of Streets shall be prima facie evidence of the amount claimed for said work and materials and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the said Superintendent of Streets in a book kept by him in his office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien, the same as provided in section nine of this Act, and may be enforced in the same manner.

SEC. 179. In addition, and as cumulative to the remedies above given, the City Council shall have power, by resolution or ordinance, to prescribe the penalties that shall be incurred by any owner or person liable, or neglecting or refusing to make repairs when required as provided in section thirteen of this Act, which fines and penalties shall be recovered for the use of the city by prosecution in the name of the People of the State of California, in the Court having jurisdiction thereof, and may be applied, if deemed expedient by the said Council, in payment of the expenses of any such repairs not otherwise provided for.

SEC. 180. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the County Recorder's office of each county, or the person in possession of lands, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner," for the purpose of this law, according to the intent and meaning of that word as used in this Act. And in case of property leased, the possession of the tenant or lessee holding and occupying under such persons shall be deemed to be the possession of such owner.

SEC. 181. Any tenant or lessee of the lands or lots liable may pay the amount assessed against the property of which he is the tenant or lessee, under the provisions of this Act, or he may pay the price agreed on to be paid under the provision of section thirteen of this Act, either before or after suit brought, together with costs, to the contractor, or his assigns, or he may redeem the property, if sold on execution or decree for the benefit of the owner, within the time prescribed by law, and deduct the amount so paid from the rents due and to become due from him, and for any sums so paid beyond the rents due from him he shall have a lien upon and may retain possession of the said land and lots until the amounts so paid and advanced be satisfied, with legal interest, from accruing rents, or by payment by the owner.

SEC. 182. The records kept by the Superintendent of Streets of said city, in conformity with the provisions of this Act, and signed by him, shall have the same force and effect as other public records, and copies therefrom, duly certified, may be used in evidence with the same effect as the originals. The said records shall, during all office hours, be open to the inspection of any citizen wishing to examine them, free of charge.

SEC. 183. Notices in writing, which are required to be given by the Superintendent of Streets under the provisions of this Act, may be served by any person, with the permission of the Superintendent of Streets, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent of Streets (who for that purpose is hereby authorized to administer oaths) or other person authorized to administer oaths, or such notices may be delivered by the Superintendent of Streets himself, who must also verify the service thereof, and who shall keep a record of the fact of giving such notices, when delivered by himself personally, and also of the notices and proofs of service when delivered by any other person.

SEC. 184. Whenever any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the Superintendent of Streets and of the City Council, and is in good condition throughout, and a sewer, gas pipes, and water pipes are laid therein, under such regulations as the City Council shall adopt, the same shall be accepted by the City Council by ordinance, and thereafter shall be kept in repair and improved by the said municipality; the expense thereof, together with the assessment for street work done in front of city property, to be paid out of a fund to be provided by said Council for that purpose; *provided*, that the City Council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing) and one block in length, or one entire crossing; *and, provided further*, that the City Council may partially or conditionally accept any street or portion of a street without a sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that the Council deems such sewer, or gas pipes, or water pipes to be then unnecessary, but the lots of land previously or at any time assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, whenever said Council shall deem a sewer to be necessary, and shall order it to be constructed, the same as if no partial or conditional acceptance had ever been made. The Superintendent of Streets shall keep in his office a register of all streets accepted by the City Council under this section, which register shall be indexed for easy reference thereto.

SEC. 185. The Superintendent of Streets shall keep a public office in some convenient place within the municipality, and such records as may be required by the provisions of this Act. He shall superintend and direct the cleaning of all sewers, and the expense of the same shall be paid out of the Street or Sewer Fund of said city.

SEC. 186. It shall be the duty of the Superintendent of Streets to see that the laws, ordinances, orders, and regulations relating to the public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall keep

himself informed of the condition of all the public streets and highways, and also of all public buildings, parks, lots, and grounds of said city, as may be prescribed by the City Council. He shall, before entering upon the duties of his office, give bonds to the municipality, with such sureties and for such sums as may be required by the City Council; and should he fail to see the laws, ordinances, orders, and regulations relative to the public streets or highways carried into execution, after notice from any citizen of a violation thereof, he and his sureties shall be liable upon his official bond to any person injured in his person or property in consequence of said official neglect.

Sec. 187. If, in consequence of any graded street or public highway, improved under the provisions of this Act, being out of repair and in condition to endanger persons or property passing thereon, any person while carefully using said street or public highway, and exercising ordinary care to avoid the danger, suffer damage to his person or property through any such defect therein, no recourse for damage thus suffered shall be had against such city; but if such defect in the street or public highway shall have existed for the period of twenty-four hours or more after notice thereof to the said Superintendent of Streets, then the person or persons on whom the law may have imposed the obligations to repair such defect in the street or public highway, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that said Superintendent has the authority to make said repairs, under the direction of the City Council, at the expense of the city.

Sec. 188. The City Council of such city shall have full power and authority to construct sewers and manholes and provide for the cleaning of the same, culverts with crosswalks, or culverts, or crosswalks, or sidewalks, or any portion of any sidewalk, upon, or in any street, lane, alley, court, or place in such city, of such materials, in such a manner, and upon such terms as it may deem proper. None of the work or improvement described in this section shall be stayed or prevented by any written or other remonstrance or objection unless such Council deems proper.

Sec. 189. The City Council may, in its discretion, repair and water streets that shall have been graded, curbed, and planked, paved or macadamized, and may build, repair, and clean sewers, and shall provide a Street Contingent Fund, at the same time and in the same manner as other funds are provided, out of which to pay the costs and expenses of making said repairs, and watering said streets, and building, repairing, and cleaning said sewers; but whenever any unaccepted street or part of a street requires regrading, resurfacing, repaving, replanking, or regravelling, or remacadamizing, or requires new culverts, or new crosswalks, or new sidewalks, or new sewers, the work shall be advertised and let out by contract, and the costs and expenses thereof shall be assessed upon the property affected or benefited thereby, the same as in the first instance.

Sec. 190. The City Council may, in its discretion, order that the whole or any part of the cost and expenses of any of the work mentioned in section two of this Act be paid out of the treasury of the municipality from such fund as the Council may designate. Whenever a part of such cost and expenses is so ordered to be paid, the Superintendent of Streets, in making up the assessment heretofore provided for such cost and expenses, shall first deduct from the whole cost and expenses such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expenses proportionately upon the lots, parts of lots, and lands fronting on the streets where said work was done, and in the manner heretofore provided. And whenever the City Council shall order to be done any of the work mentioned in section two of this Act, it shall be deemed to exercise its discretion mentioned in this section and to include an order for the payment out of its treasury for the excess of any assessment for said work otherwise chargeable upon any lot, or portion of a lot, over and above one half of the valuation of said lot, or portion of a lot, in its last preceding assessment for municipal taxation.

Sec. 191. Whenever the City Council deem it necessary to construct a sewer, then the said Council may, in its discretion, determine to construct said sewer, and assess the cost and expenses thereof upon the property to be affected or benefited thereby, in such manner and within such assessment district as it shall prescribe, and the lien therefor upon said property shall be the same as is provided in section nine of this Act; or said Council may determine to construct said sewer and pay therefor out of the Street Contingent Fund.

Sec. 192. If at any time the City Council shall deem it necessary to incur any indebtedness for the construction of sewers, in excess of the money in the Street Contingent Fund applicable to the construction of such sewers, they shall give notice of a special election by the qualified electors of the city to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the route and general character of the sewer or sewers to be constructed, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided. Such notice shall be published for at least three weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the City Council to pass an ordinance providing for the mode of creating such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within

such city sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the City Council in each year thereafter, at the time when other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 193. If bonds are issued under the provisions of the last section, said bonds shall be in sums of not less than one hundred dollars nor more than one thousand dollars, shall be signed by the Mayor and Treasurer of the city, and the seal of the city shall be affixed thereto. Coupons for the interest shall be attached to each bond, signed by the Mayor and Treasurer. Said bonds shall bear interest, to be fixed by the City Council, at the rate of not to exceed five per cent per annum.

SEC. 194. Before the sale of said bonds the Council shall, at a regular meeting, by resolution, declare its intention to sell a specified amount of said bonds, and the day and hour of such sale, and shall cause such resolution to be entered in the minutes, and shall cause notice of such sale to be published for fifteen days in at least one newspaper published in the city in which the bonds are issued, and one published in the City and County of San Francisco, and in any other newspaper in the State, at their discretion. The notice shall state that sealed proposals will be received by the Council for the purchase of the bonds on the day and hour named in the resolution. The Council, at the time appointed, shall open the proposals and award the purchase of the bonds to the highest bidder, but may reject all bids.

SEC. 195. The Council may sell bonds at not less than par value, without the notice provided in the preceding section.

SEC. 196. The proceeds of the sale of the bonds shall be deposited in the city treasury to the account of the Sewer Fund, but no payment therefrom shall be made, except to pay for the construction of the sewer or sewers for the construction of which the bonds were issued, and upon the certificate of the Superintendent of Streets and the City Engineer that the work has been done according to contract.

SEC. 197. Whenever said Council shall determine to construct any sewer, and pay therefor out of the Street Contingent Fund, or by the issuance of bonds, as above provided, then said Council shall cause to be prepared plans and specifications of said work in sections, and shall advertise for twenty days in at least one newspaper published in the city in which the sewer is to be constructed, and one in the City and County of San Francisco, for sealed proposals for constructing said sewer. The work may be let in sections, and must be awarded to the lowest responsible bidder, the Council having the right to reject any and all bids. The work shall be done and the material furnished under the supervision and to the satisfaction of the Superintendent of Streets and the City Engineer.

SEC. 198. *First*—The City Engineer, or where there is no City Engineer, the County, or City and County Surveyor, shall be the proper officer to do the surveying and other engineering work necessary to be done under this Act, and to survey and measure the work to be done under contracts for grading and macadamizing streets, and to estimate the cost and expenses thereof; and every certificate signed by him in his official character shall be prima facie evidence in all Courts in this State of the truth of its contents. He shall also keep a record of all surveys made under the provisions of this Act as in other cases. In all those cities where there is no City Engineer, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of City Engineer, and all the provisions hereof applicable to the City Engineer shall apply to such person so appointed; said City Council is hereby empowered to fix his compensation for said services.

Second—The words "improve," "improved" and "improvement," as used in this Act, shall include all work mentioned in section two of this Act, and also the reconstruction of all or any portion of said work.

Third—The term "incidental expenses," as used in this Act, shall include the compensation of the City Engineer for work done by him; also the cost of printing and advertising; also the compensation of Superintendent of Sewers, and the piling and capping.

Fourth—The notices, resolutions, orders, or other matter required to be published by the provisions of this Act, shall be published in a daily, semi-weekly, or weekly newspaper, to be designated by the Council of such city, as often as the same is issued *provided, however*, that in case there is no daily, semi-weekly, or weekly newspaper printed and circulated in any such city, then such notices as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a semi-weekly or weekly newspaper, in three of the most public places in such city. Proof of the publication or posting of any notice provided for herein shall be made by affidavit of the owner, publisher, or clerk of the newspaper, or of the poster of the notice.

Fifth—The word "municipality," and the word "city," as used in this Act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Sixth—The words "paved or repaved," as used in this Act, shall be held to mean and include pavement of stone, iron, wood, or other materials, whether patented or not, which the City Council shall by ordinance adopt.

Seventh—The word "street," as used in this Act, shall be deemed to and is hereby declared to include highways, lanes, alleys, crossings or intersections, courts, and places; and the term "main street" means such actually opened street or streets as bound a block.

Eighth—The terms "Street Superintendent" and "Superintendent of Streets," as used in this Act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have care or charge of the streets, or the improvements thereof, in any city. In all those cities where there is no Street Superintendent or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent or Superintendent of Streets; and all the provisions hereof applicable to the Street Superintendent or Superintendent of Streets shall apply to such person so appointed.

Ninth—The term "City Council" is hereby declared to include any body or Board which, under the law, is the legislative department of the government of any city.

Tenth—In the municipalities in which there is no Mayor, then the duties imposed upon said officer by the provisions of this Act shall be performed by the President of the Board of Trustees, or other chief executive officer of the municipality.

Eleventh—The term "Clerk" and "City Clerk," as used in this Act, is hereby declared to include any person or officer who shall be Clerk of said City Council.

Twelfth—The term "quarter block," as used in this Act as to irregular blocks, shall be deemed to include all lots or portions of lots having any frontage on each intersecting street, half way from said crossing or intersection to the next main street.

SEC. 199. The Superintendent of Streets shall, when necessary, appoint a suitable person to take charge of and superintend the construction and improvement of each and every sewer constructed or improved under the provisions of this Act, and of piling and capping, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect, and in case of any departure therefrom, to report the same to the Superintendent of Streets. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed four dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses, within the meaning of those words as defined in this Act.

SEC. 200. Whenever the word "Act" is used herein under the Street Department, the same shall mean charter, as well.

MISCELLANEOUS PROVISIONS.

SEC. 201. Unless otherwise provided in this charter, all contracts for work or supplies of any kind, for more than three hundred dollars, shall be let to the lowest bidder after notice given, by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given.

SEC. 202. No grant of any franchise by the City Council shall have any validity or effect unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto; *provided*, that condemnation proceedings commenced and diligently prosecuted shall be deemed the exercise of a franchise granted under this charter. Whenever any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise or that part thereof so in disuse shall no longer be exercised or enjoyed; *provided*, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole.

SEC. 203. Whenever within the corporate limits of the city two or more railroads, operated by steam power, cross each other on the same grade or level, the corporations operating the roads shall, within four months after the adoption of this charter, or in case of roads now being or hereafter to be constructed, within four months after completion of crossings as above described, cause the erection and operation of a complete interlocking safety switch and signal system, which said signal system shall be so constructed as to prevent collisions at such crossings between cars or trains of cars, or locomotive engines running on the different roads. Failure, neglect, or refusal to conform to the requirements of this section shall subject each corporation to a penalty of fifty dollars for each and every day during which such failure, neglect, or refusal shall continue.

SEC. 205. No member of the City Council, and no officer of, or employé of the city shall be or become directly or indirectly interested in or with the performance of any contract, work, or business, or in the sale of any article the expense, price, or consideration of which is payable from the city treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes, or assessments, or by virtue of legal process at the suit of the city. Any member of the City Council, officer, or employé of this city violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such member, officer, or employé, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city; and all contracts made, or right or franchise granted in violation of this section, shall be absolutely void.

SEC. 203. No officer or employé of the city shall give or promise to give to any other person any portion of his compensation, or any money or thing of value, or any position, in consideration of having been, or of being nominated, appointed, voted for, or elected to any office or employment under the city. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

SEC. 207. Any officer of the city who shall while in office accept any donation or gratuity in money or anything of value, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position under him, shall forfeit his office and be forever disqualified from holding any position in the service of the city.

SEC. 208. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon paying or tendering ten cents per folio of one hundred words.

SEC. 209. Except as otherwise provided for by law or this charter, all public offices shall be kept open for business every day (except legal holidays) from nine o'clock in the forenoon until five o'clock in the afternoon; and in addition thereto for two weeks before taxes become delinquent in each year, the office of Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 210. Whenever the City Council shall adjudge it necessary for the city to take or damage private property for public uses, the City Council may direct proceedings to be taken by the City Attorney under title seven, part three, of the Code of Civil Procedure, to condemn the same.

SEC. 211. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk, or employé receive any salary or compensation for any service of any kind unless the same is specially authorized by law or this charter. *Provided, however,* that when any officer or Board shall require additional employé's, application shall be made to the City Council to authorize the appointment of such additional employé's, and thereupon the City Council may, in its discretion, authorize such appointment and provide for the compensation of such appointees.

SEC. 212. Whenever power is given in this charter to call special meetings of the City Council, Board of Education, or any Board, the notice therefor shall be in writing and shall specify the object of the meeting. The notice shall be served on each member personally, or by mail addressed to his place of residence; if by mail, the notice shall be deposited in the Post Office of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 213. Whenever this charter provides for the posting of notices, such notices shall be posted at the front door of the City Hall, the United States Post Office, and at the office of the body authorizing the notice.

SEC. 214. Whenever a provision is made in this charter wherein publication is required, such publication shall be made in a newspaper of general circulation, printed and published in the City of Stockton, except as otherwise provided.

SEC. 215. Every officer shall hold his office until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have qualified when he has taken the oath of office and filed the same, together with his official bond if a bond is required, as herein provided.

SEC. 216. All officers mentioned in this charter, elected or appointed, must at the time of their election or appointment, have been a citizen of the United States, and a resident and qualified elector of the city for two years next preceding their election or appointment.

SEC. 217. All officers, deputies, clerks, assistants, and other employé's of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must reside in the city, and have been residents of the city one year next preceding their election or appointment. They, and each of them, shall perform such duties as may be required of them respectively by law, ordinance, or this charter, and shall only receive such compensation as may have been previously provided; and such compensation shall not be increased or diminished during the term of their respective offices or employment.

SEC. 218. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant, and the vacancy filled as herein provided. The Mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as in this charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 219. Unless otherwise provided by law or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 220. All appointments of officers, deputies, and clerks to be made under any provision of this charter, must be made in writing and in duplicate, authenticated by the person or persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk, and the other with the Mayor.

SEC. 221. All franchises and privileges heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees, or their assigns, shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 222. Competent and experienced employes in the several departments shall not be unnecessarily removed.

SEC. 223. All ordinances and resolutions of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed, and all officers of the city in office when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions of this charter, until the election or appointment and qualification of their successors, provided for herein.

SEC. 224. The City Council of the present City of Stockton shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 225. The provisions of this charter are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Now therefore, be it

Resolved by the Senate of the State of California, its Assembly thereof concurring (a majority of all the members elected to each House voting for and concurring herein), The said charter be and the same is hereby approved as a whole, for and as the charter of said City of Stockton, San Joaquin County, and State of California.

Upon motion of Mr. Moffitt, the resolution was adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—31.

NOES—Messrs. Dray and Meany—2.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Mr. Crandall moved to amend by striking out the words "one hundred and fifty," in line one, section one, and insert "sixty" in lieu thereof.

The ayes and noes were demanded by Messrs. Crandall, Welch, and Pinder.

The amendment was lost by the following vote:

AYES—Messrs. Byrnes, Campbell, Crandall, Fraser, Heacock, Hinshaw, Langford, McComas, McGowan, Pinder, Roth, Welch, Williams, and Yell—14.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Jones, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Sprague, White, and Wilson—26.

Mr. Heacock moved to amend by striking out "one hundred and fifty," and inserting "one hundred" in lieu thereof.

Mr. Jones moved, as an amendment to the amendment, to substitute "one hundred and twenty-five" in lieu of "one hundred."

Upon Mr. Heacock's amendment, the ayes and noes were demanded by Messrs. Dargie, Goucher, and Greely, and the same was adopted by the following vote:

AYES—Messrs. Bowers, Britt, Campbell, Conklin, Crandall, Dixon, Dray, Fraser, Heacock, Hinshaw, Langford, McComas, McGowan, Meany, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—22.

NOES—Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Dargie, De Long, Flint, Goucher, Greely, Hamill, Jones, McDonald, Mead, Murphy, Preston, Sprague, and Wilson
—18

Bill ordered engrossed and to third reading.

MOTION.

Mr. Heacock moved to take up Assembly messages.
So ordered.

LEAVE OF ABSENCE.

Mr. Murphy was granted leave of absence for the rest of the day.
Mr. Meany asked leave of absence for the Committee on Forestry.
Granted.

Mr. Mead asked leave of absence for Committee on State Hospitals from Saturday night till Monday morning.
Granted.

ASSEMBLY MESSAGE.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 416—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

E. E. LEAKE, Chief Clerk.

MOTION.

Mr. Goucher moved that the rules be suspended, and that Assembly Bill No. 416 be read the first time without reference to committee.
So ordered.

Mr. Goucher gave notice that he would move to take up other bills and read them second time, to wit: Assembly Bills Nos. 335 and 340, and Substitute for Assembly Bill No. 130.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Read second time, and amended by Mr. Goucher, as follows:

Amend section thirteen by inserting after the word "district," in line three of said section, printed copy, the following words: "on any lands so excluded."

Adopted.

Bill, as amended, ordered engrossed and to third reading.

Mr. White in the chair.

Assembly Bill No. 340—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other

property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts by including other lands therein.

Read second time, ordered engrossed and to third reading.

Substitute for Assembly Bill No. 130—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessments of real property, and to the collection of such assessments.

Bill read second time, ordered engrossed and to third reading.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 234—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and a half (537½), to protect the registration of thoroughbred cattle and other domestic animals.

ED. E. LEAKE, Chief Clerk.

Assembly Bill No. 234 referred to Committee on Agriculture.
Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 273 ordered to enrollment.

THIRD READING OF BILL.

Senate Bill No. 174—An Act to amend section three hundred and ninety-seven of the Code of Civil Procedure, relating to change of place of trial, having been reported back, was read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

Mr. Meany offered the following resolution, out of order:

Resolved by the Senate, the Assembly concurring, That the sum of sixty (\$60) dollars be appropriated out of the Contingent Funds of the Senate and Assembly, in equal parts, to provide gas lights at the lower tier of steps leading from the Capitol building.

Adopted.

MOTION.

Mr. Campbell moved that the resolution offered by him on Monday last :

WHEREAS, It is currently reported that the law is now violated by the Trustees of the State Normal School, who have been charged with the duty of superintending the erection of the building known as "The Northern Branch State Normal School," by having required the workmen employed on said building to work ten hours per day, in violation of the Constitution of the State, which makes the hours constituting a day's work eight. Also, that those employed do not receive the full amount charged the State for the same; therefore, be it

Resolved, That a select committee of three be appointed by the President of the Senate to investigate the truth or falsity of these charges. The committee shall have full power to send for persons and papers, and may sit during the session of the Senate.

Be now read and adopted.

So ordered.

Upon a vote, the same was adopted.

CONCURRENT RESOLUTION.

Mr. Caminetti introduced the following concurrent resolution, which was ordered printed in the Journal:

Senate Concurrent Resolution No. 15 :

WHEREAS, The Congress of the United States, in accordance with the prayer of a joint resolution of the Legislature of the State of California, adopted March 10, 1887, in relation to an investigation of the mining debris question, and an examination and survey of the river channels of the State, has enacted a law providing for such investigation and examination, and appointed a Commission of Government Engineers with power to carry out its provisions; whereas, said commission is now in this State engaged in the performance of the duties imposed upon it by said law; whereas, there are in the several departments of the State Government, and particularly in those of the Surveyor-General and State Engineer, valuable data consisting of surveys, maps, and reports which may be of service to said Commission in the conduct of said investigation; therefore, be it

Resolved, That all officers of this State be and they are hereby instructed and requested to furnish such information and data in the possession of their respective departments that may be required by said Commission; be it further

Resolved, That a certified copy of this resolution be sent to each of said officers and to said Commission.

Referred to Committee on Mines, Drainage, and Mining Debris.

ADJOURNMENT.

At five o'clock and five minutes P. M., upon motion of Mr. Dray, the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER.

Friday, February 8, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

READING OF JOURNAL.

Journal of yesterday read.

LEAVE OF ABSENCE.

Mr. Murphy granted leave of absence for one day on account of sickness.

A sub-committee of three from the Committee on Hospitals was granted leave of absence to visit the asylum at Stockton to-morrow.

REPORTS OF STANDING COMMITTEES.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 487—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 199—An Act providing for the payment of D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 146—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Also, Senate Bill No. 457—An Act to enfranchise the women citizens of this State, prescribing their qualifications as electors.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JONES, Chairman.

ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 410—An Act authorizing the sale of certain State lands to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled: Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of said additional Judges—and have this day delivered the same to the Governor.

MEAD, Chairman.

MOTION.

Mr. Campbell moved that the Committee on Coast Defenses be instructed to report back Assembly Concurrent Resolution—Relative to the building of a gun factory on this coast—to-morrow morning.
So ordered.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Heacock: Senate Bill No. 522—An Act prescribing the competency and for the protection of witnesses testifying as to the crimes against the elective franchise, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-four of said Penal Code.

Referred to Committee on Judiciary.

Also, Senate Bill No. 523—An Act prescribing the penalty for accepting a consideration or compensation for votes, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-three of said Penal Code.

Referred to Committee on Judiciary.

By Mr. Jones: Senate Bill No. 524—An Act to amend section one hundred and seventy of the Code of Civil Procedure, by adding a new subdivision thereto, relating to the disqualification of Judges.

Referred to Committee on Judiciary.

Also, Senate Bill No. 525—An Act to amend section seventy-five of the Civil Code of the State of California, relative to declarations of marriage.

Referred to Committee on Judiciary.

By Mr. Campbell: Senate Bill No. 526—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and thirty-four, relating to fish and game.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 527—An Act to declare transactions by which pawnbrokers pay money to persons, in consideration of the delivery to them of specific personal property, to be loans, providing that the title to such property shall remain in the person receiving such money and be divested only after proceedings taken, as provided in the sections of the Civil Code in relation to pledges, and declaring void certain agreements between said parties.

Referred to Committee on Corporations.

By Mr. Dixon (by request): Senate Bill No. 528—An Act to amend an Act entitled "An Act for the protection of preëmption and homestead claimants," approved March 23, 1874.

Referred to Committee on Agriculture.

By Mr. Pinder: Senate Bill No. 529—An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation.

Referred to Committee on Chinese and Chinese Immigration.

By Mr. Flint: Senate Bill No. 530—An Act to amend section one thousand three hundred and twenty-three of the Penal Code of the State of California, relative to the rights of defendants in cases where the defendant offers himself as a witness.

Referred to Committee on Judiciary.

Also, Senate Bill No. 531—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relative to per-

empty challenges in cases where the offense charged is punishable with death or with imprisonment in the State Prison for life.

Referred to Committee on Judiciary.

SUSPENSION OF RULES.

Mr. Moffitt moved to suspend the rules, pass the regular order of business, and take up Motions, Resolutions, and Notices.

So ordered.

MOTIONS, NOTICES, AND RESOLUTIONS.

Mr. Moffitt moved that Senate Bill No. 10 (one hundred and twenty-eight on file) be recommitted to the Committee on Public Printing.

So ordered.

Mr. Wilson offered the following resolution, and moved its adoption:

Resolved, That when the Senate adjourns this afternoon it adjourn to meet on Monday, February 11, 1889, at one o'clock and thirty minutes P. M.

Adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Greely, Hancock, Jones, McComas, McDonald, Mead, Pinder, Preston, Sprague, Welch, Williams, and Wilson—23.

NOES—MESSRS. Bowers, Caminetti, Dixon, Goucher, Hinshaw, Langford, McGowan, Moffitt, Spellacy, and White—10.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 411—An Act to increase the number of Judges of the Superior Court of the County of San Bernardino, State of California, and for the appointment of such additional Judge—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 5—Constitutional Amendment. The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Passed on file.

Senate Constitutional Amendment No. 8—Proposed amendment to article four of the Constitution, relating to sessions of the Legislature.

Was read.

CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

Upon roll call the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. Caminetti moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

SPECIAL FILE—(RESUMED).

Senate Constitutional Amendment No. 8 was then adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage. Passed on file.

REPORT OF COMMITTEE ON ENGROSSMENT.

The Committee on Engrossment submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 34.

GREELY, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Senate Bill No. 34—An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Assembly Bill No. 340—An Act amendatory and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts by including other lands therein.

Substitute for Assembly Bill No. 130—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessments of real property, and to the collection of such assessments.

MOTION.

Mr. Wilson moved that Assembly Bills Nos. 335, 340, and Substitute for Assembly Bill No. 130 be made the special order for Tuesday, immediately after reading of the Journal.

So ordered.

LEAVE OF ABSENCE.

Mr. Goucher granted leave of absence for the day.

ADDITIONAL COPIES OF BILLS.

The Senate ordered that one hundred and fifty additional copies of the following bills be printed: Senate Bills Nos. 66, 289, 154, and 119.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 265—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Substitute to Senate Bill No. 265, as recommended by committee, adopted, read second time, ordered engrossed and to third reading.

Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Read second time.

Amended in committee, as follows:

Erase after the seventh word, line four of printed bill, the words "top board or rail," and substitute the words "board or rail not closer than three feet from the ground."

Mr. Boggs moved to amend, as follows: "That the bill take effect in six months from passage."

Mr. Heacock moved to amend Mr. Boggs' amendment by striking out the word "six" and inserting the word "three" in lieu thereof.

Lost.

The question recurring on Mr. Boggs' amendment, the same was adopted.

Bill ordered engrossed and to third reading.

Senate Bill No. 330—An Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 13—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Mr. Wilson moved to have No. 53 on file and No. 9 on file transposed.

So ordered.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Title amended by adding the words "and salaries."

Mr. Caminetti moved that the bill be made special order for next Tuesday, at three o'clock P. M.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Harbors, Rivers, and Coast Defenses, to whom was referred Senate Concurrent Resolution No. 13—Relative to coast defenses—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LANGFORD, Chairman.

CONCURRENT RESOLUTION No. 13.

Concurrent Resolution No. 13—Relative to coast defenses:

WHEREAS, The Atlantic and Pacific coasts of the United States, and the great harbors of our country, more particularly the harbor of San Francisco, are totally unprovided with means of defense against maritime attack from any foreign power possessing a modern cruiser armed with long range ordnance; and whereas, such a condition is inconsistent with patriotic duty and ordinary prudence; therefore, be it

Resolved, That the Legislature of California respectfully urge upon the National Government the necessary legislation to secure the plant for the construction of modern ordnance, the construction of modern batteries, and of rapid armored vessels for the defense of our sea coast and maritime interests.

Resolved, That a legislative body has no higher duty than the national defense, and that the people of California will gladly support the policy of a judicious expenditure of the public funds for this purpose.

Resolved, That attested copies of this Concurrent Resolution be forwarded to the Senate and House of Representatives in Congress assembled.

Adopted.

RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Pinder, Preston, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

Mr. Britt moved to rescind the order whereby Senate Bill No. 10 (No. 128 on file) was re-referred to committee, and that it retain its place on the file, and that the committee be instructed to bring in an amended report.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 13—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

RESOLUTION—(OUT OF ORDER).

Resolution introduced by Mr. Yell:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of one hundred and fifty-seven dollars and eighty-seven and one half cents (\$157 87½) in favor of A. Yell, Chairman of the Joint Committee on Memorial Exercises, as the Senate's portion of the expenses of the memorial services in respect to the memory of the late Governor Washington Bartlett, held on February 6, 1889.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Special Committee on Memorial Exercises, in respect to the memory of the late Governor Washington Bartlett, respectfully submit that the expenses incident to the services have been as follows, as per vouchers:

H. S. Crocker & Co., invitations.....	\$151 00
Carriages.....	14 00
First Artillery Band.....	38 00
L. M. Landsborough, draping.....	25 00
Expressman.....	25 00
Expenses Colonel Irish.....	42 00
Miscellaneous expenses of Secretary.....	15 00
Telegrams and postage stamps.....	5 75
Total.....	\$315 75

A. YELL.
F. C. DE LONG.
P. J. MURPHY.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

AMENDMENTS TO A BILL.

Mr. Jones asked leave to amend Senate Bill No. 38.

Unanimous leave being granted, Mr. Jones offered the following amendments:

Amend section one by striking out the word and figure "Sec. 2," before the word and figures "Section 593."

Adopted.

Amend section three, last line of printed bill, by striking out figure "3," and inserting in lieu thereof the figure "2."

Adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 347—An Act providing for the cleaning of the stone used in the Capitol building, by the removal therefrom of all stains, rust, and other unsightly and injurious substances, and the preservation of said stone from future similar conditions by chemical applications that shall protect said stone from injury through the effect of moisture, and to appropriate money to pay the expenses thereof—respectfully report the same back, without recommendation.

Also, Senate Bill No. 160—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIAMS, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled: Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary—and have this day delivered the same to the Governor.

MEAD, Chairman.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 152—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, and to add a new section thereto, to be known as section one thousand six hundred and fifty-four, relative to the rendering, filing, hearing, and settling final accounts of deceased executors and administrators.

Amended in committee as follows:

Strike out in line five, section one, of printed bill, the word "bondsmen," and insert the word "sureties."

Adopted.

Also, strike out the word "his," being second word in line seven, and insert in lieu thereof the word "a."

Adopted.

Bill ordered engrossed and to third reading.

LEAVE OF ABSENCE.

Mr. Britt granted leave of absence until Monday.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 234—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and one half, to protect the registration of thoroughbred cattle and other domestic animals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and take the place of Senate Bill No. 258 on Senate second reading file, the subject-matter being the same.

DIXON, Chairman.

MOTION.

Mr. Dray moved that Assembly Bill No. 234 be read first time and ordered on second reading file, in place of Senate Bill No. 258, withdrawn by him.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 224—An Act to amend section three hundred and sixty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Amended as follows:

Amend the title by adding after the figures "72" the words "relating to amending and filing of articles of incorporation."

Adopted.

Strike out all of lines one and two after the figure "1," in line one, and insert the words, "Section three hundred and sixty-two of the Civil Code is hereby amended to read as follows."

Adopted.

In line nine of the printed bill strike out the word "incorporation" and insert in lieu thereof the word "corporation."

Adopted.

In the same line, after the word "office," insert the words "or offices."

Adopted.

In line ten of the printed bill, after the word "incorporation," insert the words "and certified copies thereof."

Adopted.

In line twenty-four, page two, strike out the word "certificate," and insert in lieu thereof the word "article."

Adopted.

In line twenty-five of the printed bill, on page two, strike out the words "a certificate," and insert the words "an article."

Adopted.

Ordered engrossed and to third reading.

Senate Bill No. 185—An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman by the State Board of Examiners, and to appropriate money therefor.

Mr. Dray moved to amend, as follows:

Strike out the words "one thousand" and insert the words "six hundred."

Adopted.

Also, by Mr. Dray:

Strike out, in section two, the words "one thousand" and insert the words "six hundred."

Adopted.

Bill ordered engrossed and to third reading.

Senate Bill No. 175—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Passed on file.

Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Read second time, and ordered to third reading.

Mr. Pinder moved to substitute Senate Bill No. 280 (No. 124 on file) for Senate Bill No. 107 (No. 16 on file).

So ordered.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Read second time.

Mr. Welch granted leave of absence on account of sickness in his family.

Mr. Caminetti moved to recommit the bill to the Committee on Claims.

Lost.

Bill ordered engrossed and to third reading.

MOTIONS.

Mr. Caminetti moved that the rules be suspended, to enable him to make a motion to have the Committee on Rules prepare a rule requiring the Committee on Claims to report to the Senate their reasons for their action on the several claims presented.

Mr. Heacock moved, as an amendment, that the Committee on Claims be instructed not to examine into any claim which has not been passed upon by the State Board of Examiners, unless the State Board of Examiners, for any reason, has refused to examine into any claim.

Adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Mr. Dray moved to amend by inserting in line four, section one, after the word "John," the capital letter "A."

Adopted.

Read second time, and ordered to a third reading.

Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School.

Passed on file.

Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

Read second time, and ordered to a third reading.

Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Read second time, and ordered to a third reading.

Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Read second time, and ordered to a third reading.

Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Read second time, and ordered to a third reading.

Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Read second time, and ordered to a third reading.

Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberg.

Read second time, and ordered to a third reading.

Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Read second time, and ordered to a third reading.

Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Read second time, and ordered to a third reading.

Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Read second time, and ordered to a third reading.

Senate Bill No. 236—An Act making an appropriation to reimburse the Japanese Government for money in the capture and extradition of Calvin Pratt, a fugitive from justice of this State.

Read second time, and ordered to a third reading.

Senate Bill No. 237—An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners.

Passed on file.

Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Read second time, and ordered to a third reading.

Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Read second time, and ordered to a third reading.

Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School.

Mr. Jones moved to amend, as follows:

Striking out the words in title, "Northern Branch," and add after the word "School" the words "at Chico."

Amend section one by striking out, in line three of printed bill, the words "Northern Branch," and adding at the end of the line, after the word "School," the words "at Chico."

Amend section two by striking out the words "Northern Branch," in line two, and inserting the words "at Chico" after the word "School," on the same line.

Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Read second time, and ordered to a third reading.

Senate Bill No. 161—An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.

Read second time, and ordered to a third reading.

Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Passed on file.

Senate Bill No. 276—An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs and the larceny thereof.

Read second time, and ordered to a third reading.

Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Read second time, and ordered to a third reading.

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Passed on file.

Senate Bill 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Passed on file.

Senate Bill No. 253—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Passed on file.

Senate Bill No. 244—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Amended as follows :

In line six of printed bill, after the word "partridge" strike out the word "or" after the word "grouse," and strike out the word "or" after the word "rail," and insert the words "mallard or teal duck."

Adopted.

Also, in line ten of printed bill, strike out the word "June" and insert the word "July."

Adopted.

Also, in line thirty, printed bill, strike out the word "one" and insert the word "two."

Adopted.

Also, the following amendment by Mr. Bowers :

Strike out, in section one, all after the word "misdemeanor" in line seventeen of the printed bill, up to and including the word "misdemeanor," in line twenty-one.

Lost.

Mr. Crandall moved to amend by striking out of section one all after the word "misdemeanor," in line seventeen of the printed bill, up to and including the word "misdemeanor," in line twenty.

Lost.

Bill, as amended, ordered engrossed and to a third reading.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 38 and 330, and Substitute for Senate Bill No. 265.

GREELY, Chairman.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 88—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Ordered reprinted and to a third reading.

Senate Bill No. 93—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies and preservation of the public health.

Read second time.

Mr. Campbell moved to amend in line thirteen, page two, by striking out the word "country" and inserting the word "county," in lieu thereof.

Adopted.

Bill ordered to a third reading.

Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State Asylum for the Insane, and for the control and management of a Resulting Contingent Fund.

Ordered engrossed and to a third reading.

Senate Bill No. 124—An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary of the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Amended in committee, as follows:

In section one, line three, strike out the words "General Fund in the," and insert after the word "Treasury," the words "not otherwise appropriated."

Amend section two by striking out the words "goes into," and insert the words "shall take effect."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents to pay the salary of the Commissioner of Immigration, from October 10, 1885, to January 1, 1889.

Passed on file.

Mr. Jones moved that when the author of the bill is absent the same be passed on file.

So ordered.

Mr. Conklin asked permission for a sub-committee of three from the Committee on Education to visit the Observatory at Mount Hamilton.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Heacock:

Resolved, That the Secretary of State be authorized to deliver, besides a set to each member of the Senate, a set of Constitutional Debates for each of the public libraries, or reading-rooms, within the district of such member, upon their requisition, stating the purpose or library for which said books are intended.

Adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration, from August 1, 1883, to October 1, 1885.

Passed on file.

Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Passed on file.

Senate Bill No. 59—An Act entitled "An Act to enable John Hackett, as assignee, to sue the State of California."

Passed on file.

Assembly Bill No. 26—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Read second time, and ordered to a third reading.

MOTION TO ADJOURN.

Mr. Dray moved to adjourn.

Roll call was demanded by Messrs. Byrnes, Pinder, and Greely, and the motion was lost by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Caminetti, Dixon, Dray, and McDonald—7.
NOES—Messrs. Bowers, Byrnes, Conklin, Crandall, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Pinder, Preston, Sprague, and White—16.

Senate Concurrent Resolution No. 11 ordered printed.

Mr. Langford asked permission for the Committee on Harbor, River, and Coast Defenses to visit different points in San Francisco on Monday.

Granted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Passed on file.

Senate Bill No. 23—An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

Passed on file.

Senate Bill No. 154—An Act authorizing the formation of township mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Amended in committee, as follows:

In line two, section one, of printed bill, strike out the word "township," and insert in lieu thereof the word "County."

Adopted.

In line four, section one, printed bill, after the word "corporation," strike out the word "be," and substitute the word "may."

Adopted.

In line seven, section one, printed bill, between the words "town and," insert the words "or City."

Adopted.

In line twelve, section six, of printed bill, strike out the word "reward," and insert the word "award."

Adopted.

On page two, section six, line nine, of printed bill, strike out the word "the," between the words "two" and "Judge," and insert in lieu thereof the word "any."

Adopted.

On page three, section ten, line two, strike out the word "township," and insert instead thereof the word "county."

Adopted.

On page three, section ten, line four, of printed bill, between the words "stack" and "nor" insert the words "or growing crops."

Adopted.

In line two, same section and page, insert the word "company" between the words "any" and "insure."

Adopted.

In line one, section fourteen, strike out the word "township," and insert the word "county."

Adopted.

Amend title by striking out the word "township," and inserting the word "county."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Mr. Heacock moved that the bill be made a special order for Wednesday, at two o'clock and fifteen minutes P. M.

So ordered.

Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the insane asylum at Stockton, for the twenty-fifth fiscal year.

Read second time, and ordered to a third reading.

Senate Bill No. 357—An Act to authorize the payment of claims against the State which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Amended by Mr. Dray, as follows:

The unused balance of the appropriation under the Act entitled "An Act to authorize the payment of claims against the State which were incurred under an Act to promote drainage," approved April 23, 1880, and to appropriate money for their payment, approved March 10, 1885, is hereby reappropriated for the purpose of this Act.

Adopted.

Also, amend section four, by striking out the figure "4," and inserting figure "5," in first line of last section of the bill.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Mr. Boggs was granted leave of absence until Tuesday morning.

Senate Bill No. 123—An Act to amend section two thousand six hundred and forty-three of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision of the roads within their respective counties.

Mr. Greely offered the following amendment:

In section one, line six, after the word "by," strike out the word "order," and insert the word "ordinance" in lieu thereof.

Adopted.

Bill passed on file.

Senate Bill No. 29—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts.

Amended in committee, as follows:

Strike out the word "thirty-four," in line twelve of printed bill, and insert the word "thirty-two" in lieu thereof.

Adopted.

Also, strike out the word "thirty-four," in line thirteen of printed bill, and insert in lieu thereof the word "thirty-two."

Adopted.

Also, strike out section two.

Adopted.

Title amended, as follows:

Strike out the word "civil" in second line, and insert after the word "of," in third line, the word "civil."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

MOTION TO ADJOURN.

Mr. Campbell moved to adjourn.

Upon the motion, the ayes and noes were demanded by Messrs. Jones, Caminetti, and Campbell, and the motion was lost by the following vote:

AYES—Messrs. Byrnes, Caminetti, Conklin, Dray, Greely, Hinshaw, McComas, McGowan, Preston, Sprague, White, and Yell—12.
 NOES—Messrs. Campbell, Crandall, Heacock, Jones, Langford, and Pinder—6.

CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

Upon roll call the following Senators answered to their names :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell.

Mr. Crandall moved to dispense with further proceedings under the call of the Senate.

Lost.

Mr. McGowan moved to dispense with further proceedings under the call of the Senate.

So ordered.

ADJOURNMENT.

Mr. Crandall moved to adjourn.

Thereupon, at five o'clock and fifteen minutes, the Senate stood adjourned until Monday, at one o'clock and thirty minutes P. M.

IN SENATE.

SENATE CHAMBER,
 * Monday, February 11, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Leave of absence was granted Minute Clerk Bidwell.

READING OF JOURNAL.

Journal of Friday read and approved.

Journal of Thursday approved.

PETITIONS.

By Mr. McComas: Petition of the Women's Christian Temperance Union of Southern California for the enactment of a Sabbath law.

To the honorable the Senate of the State of California:

We, the undersigned residents of Los Angeles, in the County of Los Angeles, State of California, in view of the dissipation and demoralizing influences arising from the desecration of the Sabbath in the State, earnestly and respectfully petition your honorable body for the enactment of a Sabbath law that shall give laboring men a day of rest, prohibit the carrying on of all unnecessary business, prohibit barbarous, unseemly, and noisy amusements, such as theaters, processions, concerts, and games; and also prohibit the opening upon the Sabbath day of all places where intoxicating beverages are sold; also providing, by proper legislation, for the enforcement thereof.

[Signed by two thousand four hundred and twelve names.]

Referred to Committee on Public Morals.

By Mr. White:

LOS ANGELES, February 7, 1889.

To the honorable the Senators and Assemblymen of the State of California:

We, the undersigned citizens of Los Angeles County, respectfully, but most earnestly, protest against the passage of any law dividing Los Angeles County.

[Signed by about two thousand four hundred names.]

Referred to Committee on Counties, County Government, and Township Organization.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 222—An Act to regulate and control the sale of intoxicating liquors—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 370—An Act to amend the Penal Code, by adding thereto a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium and other narcotic poisons, or any preparation thereof.

Also, Senate Bill No. 445—An Act to provide for the appointment of matrons for prisons and jails of cities and counties, defining their duties, and providing for their compensation.

Also, Senate Bill No. 272—An Act to prevent the sale of cigarettes and tobacco to minors.

Also, Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SPELLACY, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 494—An Act to regulate the practice of veterinary medicine and surgery in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Substitute for Senate Bill No. 472—An Act for the protection of trees, plants, and vines from insect pests—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 263—An Act to authorize the Board of Supervisors of the City and County of San Francisco, State of California, to pay the claim of Alice Kenna and James Wildridge Kenna—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

MEANY, Chairman.

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, having on February 2, 1889, visited the State Prison at Folsom under permission previously given by the Senate, hereby submit their mileage account, and respectfully ask that the same be allowed:

Senator Goucher, forty-six miles.....	\$4 60
Senator McComas, forty-six miles.....	4 60
Senator Wilson, forty-six miles.....	4 60
Senator Heacock, forty-six miles.....	4 60
Senator Caminetti, forty-six miles.....	4 60
J. A. Filcher (Clerk), forty-six miles.....	4 60

GOUCHER, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 224, 238, 239, 226, 203, 176, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 304, 276, 161, 240, 88, 244, 93, 295, 124, and Concurrent Resolution No. 11. Senate Bills Nos. 154, 187, 357, 29, and 280.

GREELY, Acting Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of one hundred and fifty-seven dollars and eighty-seven and one half cents (\$157 87½) in favor of A. Yell, Chairman of the Joint Committee on Memorial Exercises, as the Senate's portion of the expenses of the memorial services in respect to the memory of the late Governor Washington Bartlett, held on February 6, 1889.

SENATE CHAMBER, SACRAMENTO, February 7, 1889.

MR. PRESIDENT: Your Special Committee on Memorial Exercises, in respect to the memory of the late Governor Washington Bartlett, respectfully submit that the expenses incident to the services have been as follows, as per vouchers:

H. S. Crocker & Co., invitations.....	\$151 00
Carriages.....	14 00
First Artillery Band.....	38 00
L. M. Landsborough, draping.....	25 00
Expressman.....	25 00
Expenses of Colonel Irish.....	42 00
Miscellaneous expenses of Secretary.....	15 00
Telegrams and postage stamps.....	5 75
Total.....	\$315 75

A. YELL.
F. C. DE LONG,
P. J. MURPHY.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Capital Ice Company be and the same is hereby allowed the sum of twenty-five dollars for ice furnished the Senate from the seventh to the thirty-first day of January, 1889, both days inclusive, and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That John Breuner be and he hereby is allowed the sum of fifty-one dollars for two dozen chairs furnished this Senate, and the Controller is directed to draw his warrant therefor on the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Your Committee on Public Buildings respectfully report that the following members of said committee are entitled to mileage for their visit to the Home of the Adult Blind,

also to the Home of the Deaf, Dumb, and Blind, also to the State University, situated in Alameda County, California:

Senator Conklin (whole number of miles, 182).....	\$18 20
Senator Dargie (whole number of miles, 182).....	18 20
Senator Moffitt (whole number of miles, 182).....	18 20
Senator McDonald (whole number of miles, 182).....	18 20
Senator Williams (whole number of miles, 182).....	18 20
Clerk Chauncey Clark (whole number of miles, 182).....	18 20

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Committee's report severally adopted.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 182—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883—have had the same under consideration, and respectfully report the same back, without recommendation.

HINSHAW, Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 8, 1889.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 383—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Also, Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and thirty-four, relating to fish and game.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PINDER, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 132—An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.

Also, Senate Bill No. 259—Making an appropriation for a deficiency for the State Board of Health.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 303—An Act to amend sections one thousand one hundred and eighty-six and one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, regarding conveyances by married women and the acknowledgment thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, as the subject is covered by another bill heretofore reported upon by this committee.

Also, Senate Bill No. 521—An Act to repeal section three hundred and six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 196—An Act to amend section four thousand one hundred and sixty-one of the Political Code, in relation to deposits of public moneys—have had the same under consideration, and respectfully report the same back, with a recommendation that it be referred to the Committee on Banks and Banking.

Also, Senate Bill No. 475—An Act to amend sections three hundred and forty-three and four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved April 23, 1880, relating to the numbers and designation of the civil executive officers, and also relating to salaries of the Clerk of the Treasurer of the State and equalizing and changing the title of the clerk to that of bookkeeper, the same with the salary paid the bookkeeper for other State officers.

Also, Senate Bill No. 43—An Act to establish a uniform system of fees of office in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith.

Also, Senate Bill No. 447—An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relat-

ing to the contents of judgment roll, and providing the same shall contain a copy of the notice of intention to move for a new trial and any order made thereon.

Also, Senate Bill No. 396—An Act to repeal section three hundred and six, article two, chapter one, title two, part four, division one, of the Civil Code of the State, relating to corporations.

Also, Senate Bill No. 133—An Act to amend section four thousand one hundred and four of the Political Code, by providing the number of Justices of the Peace and Constables to be elected within townships and incorporated towns and cities within the counties, not including cities and counties, within this State.

Also, Senate Bill No. 131—An Act to add a section to the Political Code, to be known as section three thousand eight hundred and ninety-nine, providing for supplementary assessments whenever any person or corporation or property shall have been omitted from any tax assessment or assessment roll.

Respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 481—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as article five, of chapter eleven, title eleven, of part three, relating to settlements of accounts of Trustees after distribution of estates and to compensation of Trustees.

Also, Senate Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to the compensation of trustees.

Also, Senate Bill No. 407—An Act to amend section nine hundred and forty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of taking appeals, and providing when an appeal may be taken by giving notice thereof, and repealing section nine hundred and forty-one of said Code.

Also, Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Also, Senate Bill No. 424—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Also, Senate Bill No. 460—An Act to legalize certain acknowledgments.

Also, Senate Bill No. 461—Relative to an Act to amend section one thousand one hundred and eighty-one of the Civil Code of the State of California as amended April 3, 1880, relating to the proof and acknowledgment of instruments.

Also, Assembly Bill No. 20—An Act to amend section one hundred and twenty-eight of the Civil Code of the State of California, relative to actions in divorce cases.

Respectfully report the same back, with recommendation that they do pass.

Also, Senate Bill No. 463—An Act to amend section sixty-nine of the Civil Code, relating to marriages.

Also, Senate Bill No. 147—An Act to amend section six hundred and seventy of the Code of Civil Procedure, relating to what constitutes judgment roll.

Also, Senate Bill No. 455—An Act to amend the Political Code relating to Notaries Public and their qualifications.

Also, Senate Bill No. 442—An Act to amend "An Act to establish a Penal Code," approved February 14, 1872, relating to the duties and power of a Grand Jury.

Also, Senate Bill No. 462—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use but not used for the purpose to which it was dedicated.

Respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Constitutional Amendment No. 3—Proposed amendment to article four of the Constitution—respectfully report the same back, and recommend that it be adopted, as amended.

Also, Senate Bill No. 114—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure—respectfully report the same back, and recommend that it do not pass, the subject treated having been fully covered by Senate Bill No. 42, which has already been passed.

Also, Senate Bill No. 137—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as article five, of chapter two, of title two, of part three, relating to settlement of account of trustees after distribution of estates and the compensation of trustees.

Also, Senate Bill No. 245—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to contracts between husband and wife regarding the presumptions attending the conveyance of property to a married woman.

Respectfully report the same back, and recommend that they do not pass, the subjects treated therein having been fully covered by Senate Bill No. 304, and other Senate Bills.

Also, Senate Bill No. 328—An Act to prohibit runners, cappers, and solicitors for attorneys at law in and about Police Courts and prisons in incorporated cities and cities and counties.

Also, Senate Bill No. 427—An Act to amend section one thousand four hundred and one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the law of succession regarding community property upon the death of the wife.

Respectfully report the same back, with substitutes therefor, and recommend that the substitutes do pass.

Also, Senate Bill No. 401—An Act to enable persons elected to the office of County Clerk who have failed to take and file the oath of office, and to extend the time thereof, and to validate the acts of such persons—respectfully report the same back, without recommendation.

Also, Senate Bill No. 268—An Act to amend an Act to provide for work upon lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885—report the same back, and recommend that it be referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 81—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by amending section one thousand eight hundred and sixty-three thereof, relative to the lighting of hotels, lodging houses, and boarding houses.

Also, Senate Bill No. 104—An Act amending section six hundred and sixty of the Civil Code, prescribing what are fixtures.

Also, Senate Bill No. 124—An Act to amend section seven hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salaries of Superior Judges.

Also, Senate Bill No. 165—An Act to add a new section to an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, said section to be numbered two hundred and nineteen, and to fix a per diem and mileage for and to provide for the payment thereof to witnesses in criminal trials and proceedings in the Superior Courts.

Also, Senate Bill No. 331—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to repayment of money paid to the State for State lands.

Also, Senate Bill No. 416—An Act providing for the assessment of all real property in the name of the owner, as shown by the records of deeds and transfers in the several counties.

Also, Senate Bill No. 436—An Act to provide for the appointment of Trustees for certain purposes in unincorporated towns.

Also, Senate Bill No. 446—An Act to prevent the abuse of the process of Courts of Justice in this State.

Also, Senate Bill No. 452—An Act relating to the time of commencement of actions for the recovery of real property.

Also, Senate Bill No. 458—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, amended April 16, 1880, so as to include within the operations of said Act actions for malpractice against physicians and surgeons.

Also, Senate Bill No. 470—An Act relating to the time of commencement of actions for the recovery of real property.

Respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 429—An Act to amend an Act entitled "An Act to furnish arms for the use of military academies in this State," approved February 20, 1872.

Also, Senate Bill No. 465—An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the crime of gaming and the punishment therefor.

Also, Senate Bill No. 125—An Act authorizing the Controller of State to cancel from his General Fund account against the State Treasurer the sum of three thousand three hundred and six dollars and seventy-two cents.

Also, Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of Los Angeles, State of California, and for the appointment of such additional Judges.

Respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 301—An Act to amend sections three and four of an Act entitled "An Act in relation to the care of orphans and abandoned children," approved March 7, 1874, relating to the care, custody, and guardianship of such children.

Also, Senate Bill No. 333—An Act to amend section one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two of an Act entitled "The Civil Code of the State of California."

Also, Senate Bill No. 246—An Act to amend so as to make more specific the section numbered one thousand three hundred and eighty-eight of the Penal Code of California, relating to probationary treatment of juvenile offenders.

Also, Senate Bill No. 219—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Also, Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by D. S. Gregory, shall cease upon a vacancy occurring therein.

Also, Senate Bill No. 309—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and forty-four, to define the duties of County Treasurer, relating to moneys deposited by Public Administrators.

Also, Senate Bill 359—An Act amendatory and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns upon the public lands," approved March 2, 1897, approved March 30, 1898, approved March 12, 1885.

Also, Senate Bill No. 358—An Act to amend section seven hundred and four of the Penal Code of the State of California, relating to security to keep the peace.

Respectfully report the same back, and recommend that they pass, as amended.

Your committee also report a bill entitled an Act to amend "An Act to establish a Code of Civil Procedure," approved March 12, 1872, and to add a new section thereto, to be known as section five hundred and sixty, in relation to attachments, formulated by the committee, and recommend that the same do pass.

We have also reconsidered Senate Bill No. 75—An Act to promote correct conveyancing. This bill was reported on February 5, 1889, the committee at that time not being full, with the recommendation that it do not pass; after consideration on the ninth day of February, 1889, the committee at that time being full, it has been determined that the recommendation heretofore made was erroneous, and the committee requests that they be permitted to amend the recommendation heretofore made by reporting the bill for passage, as amended.

JONES, Chairman.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 8, 1889. }

To the Senate of the State of California :

I herewith inform your honorable body that I have, this day, approved Senate Bill No. 61—An Act to regulate the hours of labor and employment of minors.

Also, Senate Bill No. 3—An Act to increase the number of Judges of the Superior Court of the County of San Diego, State of California, and for the appointment of such additional Judges.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 8, 1889. }

To the Senate of the State of California:

I herewith inform your honorable body that I have, this day, approved Senate Bill No. 273—An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary.

R. W. WATERMAN, Governor.

Also :

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 8, 1889. }

To the Senate of the State of California:

I herewith inform your honorable body that I have, this day, approved Senate Bill No. 63—An Act to amend "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

R. W. WATERMAN, Governor.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows :

By Judiciary Committee: Senate Bill No. 532—An Act to amend "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as section five hundred and sixty, in relation to attachments.

On file.

By Committee on State Prison and Prison Buildings: Senate Bill No. 533—An Act to amend "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin, approved March 9, 1885."

On file.

By Mr. Moffitt: Senate Bill No. 534—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Printing Office, including the pay of the employés, for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 535—An Act making an appropriation for the deficiency in the appropriation for the support of the insane asylum at Napa for the thirty-ninth and fortieth fiscal years.

Referred to Committee on Finance.

Also, Senate Bill No. 536—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building, and furniture, and the purchase of carpets, for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 537—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 540—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 541—An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 542—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 543—An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 544—An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 545—An Act making an appropriation to pay the deficiency in the appropriation for use of library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 546—An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Referred to Committee on Finance.

Also, Senate Bill No. 547—An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

Referred to Committee on Finance.

Also, Senate Bill No. 548—An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 549—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 550—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 551—An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service,) for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 552—An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

Referred to Committee on Finance.

Also, Senate Bill No. 553—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 554—An Act making an appropriation to pay the deficiency in the appropriation for support of the insane asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

Referred to Committee on Finance.

Also, Senate Bill No. 555—An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

Referred to Committee on Finance.

Also, Senate Bill No. 556—An Act making an appropriation to pay the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 557—An Act making an appropriation to pay the claim against the State of California incurred under an Act entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Referred to Committee on Finance.

Also, Senate Bill No. 558—An Act to provide for the deficiency in the appropriation for repairs of State Capitol building, and furniture, and purchase of carpets for the fortieth fiscal year.

Referred to Committee on Finance.

Also, Senate Bill No. 559—An Act to provide for the deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers for the fortieth fiscal year.

Referred to Committee on Finance.

By Mr. McGowan : Senate Bill No. 560—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Referred to Committee on Commerce and Navigation.

By Mr. Hinshaw (by request) : Senate Bill No. 561—An Act to aid, assist, and encourage the exhibition of the products of the State of California.

Referred to Committee on Agriculture.

Also (by request), Senate Bill No. 562—An Act entitled an Act to provide for the levy and collection of taxes by municipal corporations in all cities incorporated under the laws of the State, excepting cities of first, second, third, and fourth classes.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Mead (by request) : Senate Bill No. 563—An Act to repeal an Act entitled an Act to prohibit the collection of accounts for liquor sold at retail.

Referred to Committee on Public Morals.

By Mr. White (by request) : Senate Bill No. 564—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 566—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be known as section one thousand eight hundred and fifty-six, relating to the sales of personal property by depositors for hire to pay storage charges.

Referred to Committee on Finance.

Also, Senate Bill No. 567—An Act to amend section four hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, relating to the purchase, holding, and conveyance of real estate by insurance corporations.

Referred to Committee on Finance.

Also, Senate Bill No. 568—An Act to amend sections six hundred and eighty-nine and one thousand four hundred and thirty-one of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the right of a defendant to be tried by a jury, and to cases where judgment may be pronounced against a defendant, and relating to the change of place of trial in criminal proceedings in Justices' Courts.

Referred to Committee on Judiciary.

By Mr. Murphy : Concurrent Resolution No. 16 :

WHEREAS, The Chamber of Commerce of the City of San Francisco, Posts of the Grand Army of the Republic, and other organizations in California, have, as an expression of public sentiment on the subject, petitioned Congress to make the necessary appropriation for the repairs of Admiral Farragut's historic flagship "Hartford," now at Mare Island Navy Yard; and whereas, in compliance with these requests, the national House of Representatives, at the commencement of its last session, passed unanimously a bill making an appropriation of one hundred and seventy-five thousand dollars, the estimated

cost of the repairs for this purpose, transmitting the same to the United States Senate where it was duly referred to the Naval Committee of that body, and where it has ever since remained; now, therefore, be it

Resolved by the Senate of the Legislature of California, the Assembly concurring, That the Senators of California in the United States Congress be and they are hereby instructed to request the Senate Committee on Naval Affairs to report the bill making an appropriation for the repairs of the flagship "Hartford" to the United States Senate at the earliest practicable moment, and exert their influence to secure the passage thereof.

Resolved, That the Governor of the State be and he is hereby requested to telegraph these resolutions to our Senators in Congress.

Adopted.

By Mr. Wilson : Senate Concurrent Resolution No. 17 :

WHEREAS, A bill is now before Congress, known as Whitthorne's Naval Reserve Bill (H. R. 10,622), the purpose of which is the organization of a naval militia force under the control of the Government; and whereas, the bill aforesaid has received the support of the principal commercial organizations of the United States, and is an enactment worthy of patriotic support and encouragement; therefore, be it

Resolved, That the Legislature of the State of California cordially approves the Whitthorne Naval Reserve Bill, and urges its passage upon Congress as a laudable and patriotic measure, conducive to the national defense and an encouragement to the maritime interests of the United States.

Resolved, That attested copies of this resolution be forwarded to the California delegation in Congress, with the request that the bill be aided by its influence and support.

Adopted.

SPECIAL FILE.

The following Senate Constitutional Amendments were passed on file:

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Senate Constitutional Amendment No. 5—Constitutional Amendment—The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Senate Constitutional Amendment No. 13—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California.

THIRD READING OF BILLS.

Senate Bill No. 265—An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, and Wilson—28.

NOES—None.

Title read and approved.

Senate Bill No. 330—An Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Bill read third time.

MOTION.

Mr. Jones moved to refer the bill to a committee of one, consisting of Mr. Dray, with instructions to strike out the words "six months" and insert the words "one year."

Adopted.

REPORT OF SELECT COMMITTEE.

Mr. Dray reported the amendment made, as instructed.

MOTION.

Mr. Crandall moved that a committee of one, consisting of Mr. Jones, be appointed to amend Senate Bill No. 38, as follows:

Amend in line nine, section one, by inserting after the word "highway," the words "and street of unincorporated towns."

Adopted.

REPORT OF COMMITTEE.

Your committee to whom was referred Senate Bill No. 38, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

JONES, Committee.

Senate Bill No. 38 ordered reingrossed and reprinted.

Senate Bill No. 152—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, and to add a new section thereto, to be known as section one thousand six hundred and fifty-four, relative to the rendering, filing, hearing, and settling final accounts of deceased executors and administrators.

Bill read third time.

Mr. Crandall moved to refer the bill to Mr. Heacock, with instructions to amend by striking out the word "twelve" and insert the word "eleven" instead.

The bill was amended by instructions from the Chair, and ordered reprinted and passed on file.

Senate Bill No. 224—An Act to amend section three hundred and sixty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 185—An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman by the State Board of Examiners, and to appropriate money therefor.

Bill read third time, and passed by the following vote :

AYES—Messrs. Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

Title read and approved.

APPOINTMENT OF SELECT COMMITTEE.

The Chair appointed the following select committee of investigation to investigate the Normal School at Chico: Messrs. Campbell, Preston, and Caminetti.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—28.

NOES—Messrs. Meany and Yell—2.

Title read and approved.

Mr. Caminetti in the chair.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Mr. White in the chair.

Mr. Goucher explained his vote as follows :

I vote for Senate Bill No. 280 because I am informed and believe that the claimant, E. M. Gallagher, had the State's promise to pay in gold coin, upon completion of the work, and that the State failed to so pay Gallagher, whereby Gallagher lost the sum named in the bill, and therefore I think the State should pay the loss.

Mr. Mead explained his vote as follows :

That the passage of the bill would set a bad precedent to order the second payment of the whole or part of a claim already once paid in full.

Senate Bill No. 280 read third time, and the bill failing to receive the constitutional majority, was refused passage by the following vote :

AYES—Messrs. Britt, Byrnes, Campbell, Dargie, De Long, Flint, Fraser, Goucher, Greely, Jones, McComas, McDonald, Meany, Moffitt, Murphy, Pinder, Preston, Roth, and Sprague—19.

NOES—Messrs. Briceland, Caminetti, Conklin, Crandall, Dixon, Dray, Heacock, Hinshaw, McGowan, Mead, Welch, White, Williams, and Wilson—14.

MOTION TO RECONSIDER.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote where by the Senate refused to pass Senate Bill No. 280.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—26.

NOES—Messrs. Campbell, Goucher, Meany, Murphy, and Pinder—5.

Title read and approved.

Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, and Wilson—27.

NOES—Messrs. Meany, Murphy, and Williams—3.

Title read and approved.

Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—24.

NOES—Messrs. Goucher, Meany, Murphy, and Yell—4.

Title read and approved.

CALL OF THE SENATE.

Mr. Campbell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. De Long moved to dispense with further proceedings under the call of the Senate.

Upon the motion the ayes and noes were demanded by Messrs. Goucher, De Long, and Caminetti.

The motion was carried by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Roth, Sprague, and Wilson—20.

NOES—Messrs. Byrnes, Campbell, Goucher, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Welch, White, Williams, and Yell—13.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—26.

NOES—Messrs. Byrnes, Campbell, Goucher, Meany, Murphy, and Yell—5.

Title read and approved.

Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—27.

NOES—Messrs. Goucher, Murphy, and Yell—3.

Title read and approved.

Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—27.

NOES—Messrs. Goucher, Murphy, and Yell—3.

Title read and approved.

Mr. Yell in the chair.

Senate Bill 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Bill read third time.

Mr. Goucher moved a call of the Senate.

Lost.

The bill passed by the following vote :

AYES—Messrs. Briceland, Britt, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—28.

NOES—Messrs. Meany and Yell—2.

Title read and approved.

Mr. White in the chair.

Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberg.

Bill read third time, and passed by the following vote:

AYES—Messrs. Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—30.

NOES—Messrs. Meany and Yell—2.

Title read and approved.

MOTION.

Mr. Murphy moved to take up Assembly message with reference to Assembly Bill No. 541.

So ordered.

ASSEMBLY MESSAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 541—An Act to provide an appropriation for the contingent expenses of the Assembly.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

Mr. Murphy introduced the following resolution:

Resolved. That Assembly Bill No. 541 presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Adopted by the following vote:

AYES—Messrs. Briceland, Brynes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—31.

NOES—Mr. Meany—1.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 541—An Act to provide an appropriation for the contingent expenses of the Assembly.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—31.

NOES—Mr. Meany—1.

Title read and approved.

QUESTION OF PRIVILEGE.

Mr. Conklin arose to a question of privilege, relative to the conduct of an attaché of the Senate towards one of his friends.

Mr. Moffitt moved to refer the subject-matter to the Committee on Attachés, Contingent Expenses, and Mileage.

So ordered.

REPORT OF COMMITTEE—(OUT OF ORDER).

By Mr. McGowan:

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee of Conference concerning Assembly amendments to Senate Concurrent Resolution No. 4—Requesting the Congress of the United States to maintain the Scott Exclusion Act, and recommending additional legislation to perfect the operation of the same—report that we have met a like Committee of the Assembly, consisting of Messrs. Shanahan, Dibble, and Black, and we report that the committees agreed upon the accompanying substitute, and recommend the adoption of the substitute herewith presented.

Respectfully,

McGOWAN,
GOUCHER,
MURPHY,
Committee.

Substitute for Senate Concurrent Resolution No. 4, requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relative to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective.

Resolved by the Senate of the State of California, the Assembly concurring, That we fully indorse the action of Congress and of the President in the enactment of the measure known as the Scott Exclusion Bill. That in behalf of the people of California, irrespective of political parties, we ask the government of the United States, in all of its branches, to rigidly enforce the provisions of said law.

Resolved, That we respectfully memorialize Congress and the President of the United States to concur in the enactment of such additional legislation as will make said Restriction Act more effective by preventing the entrance of the Chinese into the United States over the Canadian and Mexican borders. To this end we respectfully but earnestly recommend that, if necessary, treaties be entered into between our Government and the Governments of Mexico and Great Britain to prevent the violation of the said restriction law by the transit of Chinese through Mexico and Canada into the United States.

Resolved, That an experience of forty years has proven that the concession to the people of China of the rights and privileges of the most favored nations was a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizens of the republic.

Resolved, That our Senators in Congress be instructed and our Representatives requested to present this concurrent resolution to the Senate and House of Representatives of the United States.

Resolved, That his Excellency the Governor be requested to immediately forward by telegraph a copy of this resolution to each of our Senators and Representatives in Congress.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Williams, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 12, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORT—(OUT OF ORDER).

Pending the reading of the Journal, Mr. Moffitt introduced the following report out of order:

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 423—have had the same under consideration, and respectfully report back a substitute, and recommend that the substitute do pass.

Also, Senate Bill No. 314—have had the same under consideration, and respectfully report back a substitute, with the recommendation that the substitute do pass.

Also, Senate Bills Nos. 220, 397, 252, and 474—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bills Nos. 519, 502, 271, 493, and 456—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

READING OF JOURNAL.

Mr. Wilson in the chair.

Journal of yesterday read and approved.

PETITION—(OUT OF ORDER).

By Mr. Heacock: A petition from the Women's Christian Temperance Union of Southern California, for the enactment of a Sabbath law, as follows:

To the honorable the Senate of the State of California:

We, the undersigned, in view of the dissipation and demoralizing influences arising from the desecration of the Sabbath in the State, earnestly and respectfully petition your honorable body for the enactment of a Sabbath law that shall give laboring men a day of rest, prohibit the carrying on of all unnecessary business, prohibit barbarous, unseemly, and noisy amusements, such as theaters, processions, concerts, and games; and also prohibit the opening upon the Sabbath day of all places where intoxicating beverages are sold; also providing, by proper legislation, for the enforcement thereof.

[Signed by six thousand seven hundred and seventy names.]

Referred to Committee on Public Morals.

REPORT—(OUT OF ORDER).

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: The Committee on Irrigation of the Senate beg leave to submit the following special report:

In pursuance of notice given on last Friday morning, your Committee on Irrigation, on last evening, at seven o'clock and thirty minutes held a joint meeting with the Committee on Irrigation of the Assembly, at which were heard, according to notice, objections to Assembly Bills Nos. 335 and 340, and committee substitute for Assembly Bill No. 130, and after a full hearing of such objections, it was unanimously resolved by both said committees that said bills be accorded a third reading and final passage without amendment.

Respectfully submitted.

CAMINETTI, Chairman.

SPECIAL ORDERS.

Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—Messrs. Byrnes and Flint—2.

Title read and approved.

President pro tem. S. M. White in the chair.

Assembly Bill No. 340—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts by including other lands therein.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

Substitute for Assembly Bill No. 130—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and to assessments of real property, and to the collection of such assessments.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Pinder, Preston, Roth, Welch, White, Williams, and Wilson—31.

NOES—None.

Title read and approved.

MOTION.

Mr. Goucher moved that Assembly Bills Nos. 335, 340, and Substitute for Assembly Bill No. 130 be immediately transmitted to the Assembly.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 38.

DIXON, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 4—Relative to filling vacancy in Board of Managers of the National Home for Disabled Volunteer Soldiers caused by the death of William Blanding—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BRITT, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on State Hospitals respectfully report the number of miles traveled by each member of said committee during their visit to Napa and Stockton asylums:

Senator Mead, two hundred and eighteen miles.....	\$21 80
Senator Briceland, two hundred and eighteen miles.....	21 80
Senator Dixon, two hundred and eighteen miles.....	21 80
Senator Bowers, two hundred and eighteen miles.....	21 80
Senator Roth, one hundred and seventy miles.....	17 00
Senator Byrnes, two hundred and eighteen miles.....	21 80
Committee Clerk, two hundred and eighteen miles.....	21 80

Total.....\$147 80

BRICELAND, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
Also, report as follows:

MR. PRESIDENT: Your Committee on State Hospitals, having been granted leave of absence, visited the asylums for the insane located at Napa and Stockton. The committee visited Napa on the first day of February, and thoroughly examined all the wards in the insane asylum, which were found in a remarkably cleanly condition but seriously overcrowded.

The committee also investigated the kitchen which, in the opinion of the committee, is inadequate and too small for the present and future wants of the fifteen hundred patients therein; hence the improvements and enlargement of the said department asked for by the officers should be granted.

Especially do the Committee urge the erection of the building proposed by the Superintendent for the care and treatment of the inmates and other purposes. This is a much needed want, and we hope the appropriation will be made.

The Hospital Committee also visited the Asylum for the Insane at Stockton, on February seventh. In this asylum the same overcrowded condition exists. The relief promised by the erection of the Agnew asylum was not realized, the Agnew asylum being but partly completed. In consequence of the failure of the Agnew asylum to relieve the asylums at Napa and Stockton of the number in excess of their respective capacity, the expenses of the last named asylums continued unabated, consequently the appropriation made at the last session proved too small and inadequate, and hence the deficiency asked for should be appropriated.

The committee was interested in observing the kind and watchful care of the attendants, both male and female. The duties of these attendants are exceedingly onerous and responsible. Upon inquiry, we regret to say that the pecuniary pay of these employés is not equivalent to the services rendered by them. Also, earnestly recommend that the appropriation shall be liberal enough to enable the Trustees to increase their pay.

And, also, that the pay of the male and female attendants shall be equal and alike.

The druggist of the institution we found to be a gentleman well qualified for his position; a good part of his time employed outside of his duties as druggist, and that his salary is only eighty-five (\$85) dollars per month. We therefore recommend to the Trustees to increase said salary to \$100 per month.

The medical staff is not sufficient. There should be at least three assistant physicians to exercise proper and efficient care over the seventeen hundred patients. Without sufficient medical help the State cannot realize the usefulness of these most humane institutions. Your committee, therefore, heartily recommend additional medical aid.

Your committee carefully examined into the detail of the architect's report of improvements required: boiler house and engine room, workshops, dining room, etc., houses for assistant physicians and supervisors, and morgue.

We most respectfully and earnestly ask the Senators to investigate the able and truthful biennial report of the Directors, and the thirty-fifth and thirty-sixth annual reports of the Superintendent of the asylum at Stockton.

Your committee is heartily in accord with every want of these asylums, knowing as we now do, after investigating, that each and every improvement asked for is strictly required and for the best interest of the institutions and the State.

Therefore, we earnestly desire that every dollar asked for said improvements should be cheerfully appropriated.

BRICELAND, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 349—An Act to provide for the better protection of life and limb, and to guard against accidents on street cable roads, by the use of safety guards, and to punish negligence—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, Chairman.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred a petition for the repeal of an Act entitled "An Act to provide for the organization and government of irri-

gation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887—beg leave to report that we have had the same under consideration, and respectfully report the same back, and recommend that the prayer of said petition be denied.

CAMINETTI, Chairman.

PETITION.

A petition from residents (all real estate owners) of Stanislaus County, within the Modesto Irrigation District, stating that they are positively and unalterably opposed to the Act under the operation of which the district was organized, and to the system of irrigation provided for therein, for numerous reasons, which are set out at length in the petition.

[Signed by eighty-nine names.]

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PUBLIC PRINTING—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: A majority of your Committee on Public Printing, to whom was referred Senate Bill No. 10 Relative to the office of State Printer—have had the same under consideration, and respectfully report the same back, with a recommendation that the same do pass.

MOFFITT.
DARGIE.

ON PUBLIC PRINTING—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: A minority of your committee, to whom was referred Senate Bill No. 10—Relative to the office of Superintendent of State Printing—has had the same under consideration, and respectfully reports the same back, with a recommendation that it do not pass. I think, from my past experience, that the State Printing Department will be more economically managed if the Superintendent be appointed and under the control of the Governor, than if he was elected by the people.

McDONALD, Chairman.

Ordered printed in the Journal, without reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February —, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 455—An Act to amend the Political Code, relating to Notaries Public and their qualifications—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 492—An Act to establish a uniform system of fees of office in the counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 216—An Act to amend section two thousand one hundred and eighty-eight of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back, with a majority report that it do not pass, and a minority report that it do pass.

Also, Senate Bill No. 530—An Act to amend section one thousand three hundred and twenty-three of the Penal Code of the State of California, relative to the rights of defendants in cases where the defendant offers himself as a witness.

Also, Senate Bill No. 525—An Act to amend section seventy-five of the Civil Code of the State of California, relative to declaration of marriage.

Also, Senate Bill No. 524—An Act to amend section one hundred and seventy of the Code of Civil Procedure, by adding a new subdivision thereto, relating to the disqualifications of Judges.

Also, Senate Bill No. 393—An Act to prevent the mutilation, obliteration, or removal of marks, brands, stamps, or other impressions made or placed upon specific articles of personal property for the purpose of showing that the same have been conditionally sold or leased.

Respectfully report the same back, and recommend that they do not pass.

Also, Senate Bill No. 293—An Act to amend section three hundred and three of the Civil Code of the State of California, relating to the by-laws of corporations.

Also, Senate Bill No. 394—An Act concerning conditional sales, leases, bailments, and other transfers of personal property, and the filing of contracts for the same.

Also, Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 531—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relative to peremptory challenges in cases where the offense charged is punishable with death, or with imprisonment in the State Prison for life—respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 491—An Act to amend section two hundred and forty-five of the Political Code of the State of California, relating to the officers and employes of the Senate—respectfully report the same back, and recommend that it do not pass, for the reason that proposed Constitutional Amendment No. 3 covers the whole subject intended in said bill.

Also, a substitute for Senate Bill No. 475 (No. 203 on file), and recommend that it do pass.

JONES, Chairman.

MOTION.

Mr. Bowers moved to re-refer Senate Bill No. 416 to the Judiciary Committee.

So ordered.

REPORT OF CONFERENCE COMMITTEE.

By Mr. McGowan:

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee of Conference concerning Assembly Amendments to Senate Concurrent Resolution No. 4—Requesting the Congress of the United States to maintain the Scott Exclusion Act, and recommending additional legislation to perfect the operation of the same—report that we have met a like committee of the Assembly, consisting of Messrs. Shanahan, Dibble, and Black, and we report that the committees agreed upon the accompanying substitute, and recommend the adoption of the substitute herewith presented.

Respectfully,

McGOWAN,
GOUCHER,
MURPHY,
Committee.

Substitute for Senate Concurrent Resolution No. 4—Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relative to Chinese,'" approved on the first day of October, 1888, and praying for additional legislation to make it more effective.

Resolved by the Senate of the State of California, the Assembly concurring. That we fully indorse the action of Congress and of the President in the enactment of the measure known as the Scott Exclusion Bill. That in behalf of the people of California, irrespective of political parties, we ask the Government of the United States, in all of its branches, to rigidly enforce the provisions of said law.

Resolved. That we respectfully memorialize Congress and the President of the United States to concur in the enactment of such additional legislation as will make said Restriction Act more effective by preventing the entrance of the Chinese into the United States over the Canadian and Mexican borders. To this end we respectfully but earnestly recommend that, if necessary, treaties be entered into between our Government and the Governments of Mexico and Great Britain to prevent the violation of the said restriction law by the transit of Chinese through Mexico and Canada into the United States.

Resolved. That an experience of forty years has proven that the concession to the people of China of the rights and privileges of the most favored nations was a mistake, and that the reception within our borders of a non-assimilating class is an evil unmitigated by a single real benefit to the citizens of the Republic.

Resolved. That our Senators in Congress be instructed and our Representatives requested to present this concurrent resolution to the Senate and House of Representatives of the United States.

Resolved. That his Excellency the Governor be requested to immediately forward by telegraph a copy of this resolution to each of our Senators and Representatives in Congress.

Adopted.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolutions, viz.:

Assembly Joint Resolution No. 5—Relative to memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes.

Assembly Concurrent Resolution No. 7—Relative to the system of postal service.

And concurred in Senate Concurrent Resolution No. 2—Relating to the matter of securing an appropriation for the improvement of Eel River.

ED. E. LEAKE, Chief Clerk.

Assembly Joint Resolution No. 5—Relative to memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes.

Referred to Committee on Agriculture.

Assembly Concurrent Resolution No. 7—Relative to the system of Postal Service.

Referred to Committee on Federal Relations.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills, viz.: Senate Bill No. 1300—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the "Mendocino State Insane Asylum," and appropriating money therefor.

To enrollment.

Also, Assembly Bill No. 120—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same.

Referred to Committee on Public Printing.

Also, Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

To enrollment.

Also, Assembly Bill No. 210—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 211—An Act entitled an Act to amend the Political Code of the State of California by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto

Referred to Committee on Hospitals.

Also, Assembly Bill No. 214—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 213—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 35—An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Also, Assembly Bill No. 168—An Act to amend section one thousand one hundred and eighty-one of the Civil Code of California.

Referred to Committee on Judiciary.

Also, Assembly Bill No. 192—An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Referred to Committee on Judiciary.

Also, Assembly Bill No. 208—An Act to punish the offense of advertising for divorce.

Referred to Committee on Judiciary.

Also, Assembly Bill No. 128—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use, but not used for the purpose to which it was dedicated.

Substituted on file for Senate Bill No. 462 (No. 220 on file).

Also, Assembly Bill No. 215—An Act to amend section three hundred and seventy-eight of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of the public health and safety and registration of births, deaths, and marriages.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 216—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 197—An Act to authorize the establishment of county high schools, and provide for their support.

Referred to Committee on Education.

Also, Senate Bill No. 68—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one thereof, two new sections, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

To enrollment.

Also, Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887, fixing the maximum amount of interest payable on municipal bonds.

To enrollment.

Also, Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

To enrollment.

Also, Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to

appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.

Amended, and passed as amended.

ED. E. LEAKE, Chief Clerk.

AMENDMENTS TO SENATE BILL No. 15.

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.

Amended in Assembly as follows:

Strike out, in line nineteen, section one, the word "two," and insert in lieu thereof the word "four."

On motion of Mr. Wilson, the Senate concurred in the amendment.

Strike out, in lines twenty-four and twenty-five, section one, the words "said Judge of Court," and insert the words "a Judge of said Court."

On motion of Mr. Wilson, the Senate concurred in the amendment.
To enrollment.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Byrnes: Senate Bill No. 569—An Act to readjust the salaries of County Superintendents of Schools in the State of California, and more fully define their duties.

Referred to Committee on Education.

By Mr. Langford: Senate Bill No. 570—An Act entitled "An Act to provide for the appointment of a State Board of Drainage and Reclamation Commissioners, to define their duties, to provide for the organization and government of drainage reclamation districts, and for the construction of works to improve the drainage and reclamation of the swamp and overflowed lands of this State; to appropriate money for the use of said Board of Drainage and Reclamation Commissioners, and to provide for the issuing of bonds of the State of California to provide money for the use of draining and reclaiming such lands.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Boggs: Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Referred to Committee on Claims.

By Mr. Hinshaw (by request): Senate Bill No. 572—An Act to provide for the levy and collection of taxes by school districts incorporated under the laws of the State, excepting in cities of the first, second, third, and fourth classes.

Referred to Committee on Education.

By Mr. Goucher (by request): Senate Bill No. 573—An Act to authorize the Commissioners to Manage the Yosemite Valley and the Mariposa Big Tree Grove to cause the survey, location, and construction of a road connecting Yosemite Valley with Mono Lake, and appropriating money therefor.

Referred to Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove.

By Mr. Pinder: Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignment for the benefit of creditors.

Referred to Committee on Judiciary.

By Mr. Caminetti: Senate Bill No. 575—An Act to withdraw from entry or sale the State school forest lands in every township in California.

Referred to Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove.

Also, Senate Bill No. 576—An Act making an appropriation for the salary of the bookkeeper of the State Treasurer for the fortieth fiscal year.

Referred to Committee on Judiciary.

Also, Senate Bill No. 577—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State.

Referred to Committee on Judiciary.

Also, Senate Bill No. 578—An Act to amend section one hundred and sixty-six of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887.

Referred to Committee on Counties, County Government, and Township Organization.

By Mr. Wilson: Senate Bill No. 579—An Act to provide for the appointment of a Board of Commissioners of Penal and Charitable Institutions, and defining their duties and powers, and prescribing their compensation.

Referred to Committee on State Prisons and Prison Buildings.

By Mr. Preston (by request): Senate Bill No. 580—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Referred to Committee on Judiciary.

PERMISSION TO WITHDRAW GRANTED.

Mr. Meany asked permission to withdraw petition presented by him in relation to a protest against the Wright Irrigation Act.

Granted.

MOTION.

Mr. Heacock moved that in any case when a Senate Bill had been passed by the Senate and transmitted to the House, and a duplicate thereof (other than Senate Bill) is subsequently passed by the House and transmitted to the Senate, that the Secretary of the Senate be instructed to retransmit to the House such Assembly Bills, with a statement with reason therefor.

So ordered.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.
Passed on file.

Senate Constitutional Amendment No. 5—Constitutional Amendment. The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Mr. Jones offered an amendment to Senate Constitutional Amendment No. 5, with a request that it be printed, with amendment.

So ordered.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 13—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California.

Mr. Wilson moved that Senate Constitutional Amendment No. 13 be reprinted.

So ordered.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

Passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 38—An Act to add a new section to the Penal Code of the State of California, to be numbered section five hundred and ninety-three, relating to barbed wire fences on public highways.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Welch, White, and Williams—27.
NOES—Messrs. Fraser and Langford—2.

Title read and approved.

Senate Bill No. 152—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872, and to add a new section thereto, to be known as section one thousand six hundred and fifty-four, relative to the rendering, filing, hearing, and settling final accounts of deceased executors and administrators.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Preston, Roth, Welch, White, Williams, and Wilson—27.
NOES—None.

Title read and approved.

Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, and Wilson—28.

NOES—None.

Title read and approved.

Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, and Wilson—29.

NOES—None.

Title read and approved.

Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Preston, Welch, White, and Wilson—27.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock M., the Senate took the usual noon recess.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate reassembled.

President pro tem. White in the chair.

Roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

MOTION.

Mr. Wilson moved to reconsider the vote whereby Senate Bill No. 280 was refused passage on yesterday, and that the motion be made a special order for Thursday, February 14, 1889, immediately after the reading of the Journal.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 236—An Act making an appropriation to reimburse the Japanese Government for money expended in the capture and extradition of Calvin Pratt, a fugitive from justice of this State.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock,

Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, Welch, White, Williams, Wilson, and Yell—33.
 NOES—None.

Title read and approved.

Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole:

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.
 NOES—None.

Title read and approved.

Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Yell—35.
 NOES—None.

Title read and approved.

Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.
 NOES—None.

Title read and approved.

Senate Bill No. 161—An Act to provide for the payment of the Controller of State's warrants which have been lost or destroyed previous to payment by the State Treasurer.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.
 NOES—None.

Title read and approved.

Senate Bill No. 276—An Act to amend section four hundred and ninety-one of the Penal Code of the State of California, relating to dogs and the larceny thereof.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, White, Williams, Wilson, and Yell—32.
 NOES—None.

Title read and approved.

Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, White, and Wilson—32.
 NOES—None.

Title read and approved.

Senate Bill No. 244—An Act to amend section six hundred and twenty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, White, Williams, Wilson, and Yell—34.
 NOES—Messrs. Conklin, Crandall, Dixon, and Welch—4.

Title read and approved.

SUBSTITUTION OF BILL.

Mr. Briceland withdrew Senate Bill No. 88, and moved that Assembly Bill No. 210—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health—be recalled from committee, read a first time, and placed at the head of the second reading file.

So ordered.

MOTION.

Mr. Bowers moved that Senate Bill No. 93 be withdrawn, and that Assembly Bill No. 216—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health—be recalled from committee, read a first time, and placed on second reading file immediately after Assembly Bill No. 210.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State asylums for the insane, and for the control and management of a Resulting Contingent Fund.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Williams, and Wilson—32.
 NOES—Messrs. Britt, Preston, Welch, and Yell—4.

Title read and approved.

Mr. Bowers in the chair.

Senate Bill No. 124—An Act making an appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—35.

NOES—None.

Title read and approved.

President pro tem. S. M. White in the chair.

Assembly Bill No. 26—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.

NOES—Messrs. Langford, Moffitt, and Pinder—3.

Title read, and amended by Mr. Murphy, as follows: After the word "California" add the words "and to appropriate money therefor."

Adopted.

Title read and approved.

Senate Bill No. 154—An Act authorizing the formation of county mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Mr. Murphy moved that the special order set for three o'clock P. M. be postponed until the pending bill be disposed of.

So ordered.

Senate Bill No. 154—An Act authorizing the formation of county mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Read third time.

Mr. De Long explained his vote by saying that important bodies of his constituents desired him to vote for the bill, and though his own personal conviction was that it is a most pernicious measure, he would, in deference to their request, vote "aye."

Senate Bill No. 154 passed by the following vote :

AYES—Messrs. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, and White—27.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Flint, Fraser, Greely, Hamill, McDonald, Sprague, Williams, and Wilson—12.

Title read and approved.

RECONSIDERATION.

Mr. Murphy gave notice that, on to-morrow, at the hour of three o'clock P. M., he would move to reconsider the vote whereby Senate Bill No. 154 was passed.

MOTION.

Mr. Murphy moved that Senate Bill No. 188 be made the special order at two o'clock and fifteen minutes P. M. on Friday, February 15, 1889.

So ordered.

SPECIAL ORDER.

Consideration of majority and minority reports of the Committee on Hospitals, concerning the Home for the Care of the Feeble-Minded.

REPORT OF COMMITTEE ON STATE HOSPITALS.

MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was granted leave of absence to visit the institution receiving State aid within the County of Santa Clara—respectfully report that they visited the California Home for the Care and Training of Feeble-Minded Children.

We found the Home in excellent condition, and the management of the same under the control of Dr. Osborne, an accomplished and capable expert in this class of abnormals, assisted by Mrs. Osborne in the capacity of Matron.

We cannot speak too highly of those who have the daily care of these children. The health of the inmates during the past two years was exceptionally good, only four deaths out of the whole number—from seventy to one hundred and twenty; one of said deaths was by drowning.

This tells most favorably for the sanitary conditions of the location of the Home. Fifty-one acres of good land belonging to the Home. These acres are ample to permit such boys under the care of the Home as may be of suitable age and strength to cultivate, thereby assisting in the support of the institution.

To the end that the sewage of the Home may be more complete, we were informed that the town of Santa Clara offers to allow or permit the Home to connect any sewer that may be constructed with the sewage system of Santa Clara, which connection can be made at a comparatively small cost, and when so connected the Home will have ample sewage outlet. We therefore recommend the connection. The Home is located near the town of Santa Clara, convenient to two railroads, making it easy of access from any part of the State.

The present crowded state of the Home, and the numerous applications from all parts of the State, requires additional rooms. The committee recommends the appropriation of twenty-five thousand dollars for the erection of two detached frame buildings, two stories in height, for additional accommodation; also, an appropriation ample to meet all the wants for the ensuing two years.

The committee also visited the Insane Asylum for Chronic Insane, located at Agnews, Santa Clara County. We found the building very substantial, and well arranged for the purpose designed. On account of the crowded condition of that part of the building completed, we earnestly urge that the whole building be speedily completed, and such other improvements as are immediately required.

Your committee also visited the Home of Benevolence, located in the City of San José. This Home is one of the best managed institutions receiving State aid. Dormitories, dining rooms, kitchen, etc., were evidence of care, cleanliness, and economy. The very competent Matron, Mrs. ———, in her control of the institution, exhibits remarkable executive ability, and deserves decided commendation.

We, the committee, recommend the usual appropriation for said Home.

Your committee returned to San Francisco on Sunday. The committee divided into two divisions; Senator Mead and Senator Byrnes visited the San Rafael Orphan Asylum, Marin County, and Senator Bowers, Senator Dixon, and Senator BriceLand, with the Clerk of said committee, visited the Hebrew Orphan Asylum at San Francisco.

Reports on condition of the above named institutions receiving State aid, by said committee, being very favorable, it is recommended that the usual State appropriation be made.

BRICELAND, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, January 28, 1889.

MR. PRESIDENT: Your Committee on Hospitals, having visited and carefully examined the Home for the Care and Training of Feeble-Minded Children of the State of California, together with all its surroundings, are compelled to differ from the majority of the committee in reference to the advisability of removing the institution from its present location, and offer the following minority report:

The minority of the committee think there are almost insuperable objections to the present location, as well as reasons based upon economy and sound business principles.

First—The amount of land connected with the institution is insufficient for carrying out the objects and purposes for which it was established. We believe that at least two hundred acres of land are necessary in order to give proper employment to the inmates, many of them being able to do considerable work, which we believe to be a benefit to the inmates physically and mentally, also financially to the State.

Second—Water being one, if not the most important thing to be considered, we believe that there are in many places in this State where it would be proper to locate an institu-

tion of this character, good water rights, to be obtained at a nominal cost. The present limited amount is procured at large expense by means of pumping with steam power; and when a proper system of sewerage is constructed, it will require more water than can be obtained for properly flushing the same and for general use of the Home.

Third—The drainage system will also be of a very expensive character, and will be of necessity connected with the sewerage system of the City of Santa Clara; and this we disapprove, at least until there is an agreement entered into between the city and State.

Fourth—We believe that the present Home can be sold for nearly enough to purchase a more suitable place, in compliance with the reasons above stated.

(Signed)

MEAD.
ROTH.

SECOND READING OF BILL.

Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell,

Mr. Bowers moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

AMENDMENTS.

By Mr. Preston:

Add at end of line five of section one, the words "and to be located within the County of Nevada."

Lost.

Mr. Campbell moved to amend as follows:

Substitute the word "Solano," in lieu of the words "Santa Clara."

Lost.

Mr. Mead raised the point of order that Mr. Campbell's speech was not pertinent to the subject-matter.

The Chair decided the point of order well taken.

Mr. Goucher moved to strike out the words "Santa Clara," and insert in lieu thereof the word "Fresno."

Upon the amendment offered by Mr. Goucher, the ayes and noes were demanded by Messrs. Goucher, Mead, and Meany, and the amendment was lost by the following vote:

AYES—MESSRS. Caminetti, Campbell, Fraser, Goucher, Jones, Langford, Meany, Preston, and Roth—9.

NOES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, White, Williams, and Wilson—28.

Mr. Mead moved as a substitute that this Senate appoint five men to select a site for the Home, and that no man be appointed from any county which is an applicant for the Home.

POINT OF ORDER.

Mr. Crandall raised the point of order that the substitute was out of order.

The Chair sustained the point, as the Senate would have no power to appoint such committee.

AMENDMENTS—(RESUMED).

Mr. Greely moved to amend by inserting "Yuba Dam, Yuba County," in lieu of the words "Santa Clara."

Upon Mr. Greely's amendment, the roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Greely, Jones, Langford, Mead, Meany, Preston, and Sprague—7.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamall, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—32.

Mr. Heacock moved a substitute to the committee amendment, as follows:

The same to be selected by three commissioners appointed by the Governor for the purpose, such point in the County of Santa Clara, as may by them be determined upon; *provided*, that should said commissioners deem the present location the most suitable of all sites which may be offered, then the improvements provided for by this Act shall be made upon the site of the present Home.

Mr. Caminetti moved that the subject-matter before the Senate be made the special order for to-morrow, at three o'clock P. M.

Mr. Murphy moved, as an amendment, to make it the special order for to-morrow, after the order of Assembly messages.

So ordered.

RESOLUTION.

By Mr. Murphy:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of George W. Faylor, Sergeant-at-Arms of the Senate, for the sum of five hundred and eighty-eight dollars and fifteen cents (\$588 15), for and on account of mileage and expenses incurred in the procuring of witnesses to attend and appear before the Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M., on motion of Mr. Jones, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 13, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Rev. M. B. Sharbrough.

READING OF JOURNAL.

Journal of yesterday read and approved.

PETITIONS.

By Mr. McComas: From citizens of Los Angeles County, asking for the passage of the bill granting municipal suffrage to women. [Signed by two thousand six hundred and seventy-three names.]

Referred to Committee on City, City and County, and Town Governments.

By Mr. Greely:

WHEREAS, The Board of Supervisors of Sutter County view with disfavor the appropriation of public money for the benefit of private or personal enterprises; and whereas, we believe that the people of this State are placing and will continue to place our products in the markets of the world without expensive public appropriations; therefore, be it

Resolved, That the Board of Supervisors of Sutter County most emphatically protest against the passage of the bill now pending before the Legislature of this State, appropriating two hundred and fifty thousand dollars of public money for the purpose of making an exhibit of our products in London.

Resolved, That the Clerk of this Board is hereby instructed to forward a copy of these resolutions to our representatives in the Legislature from this district, and that we will call upon them to use their utmost endeavor to defeat said bill.

L. P. FARMER.

W. H. SMITH.

W. E. HUMPHREY.

WM. T. SPILMAN.

REPORTS OF STANDING COMMITTEES.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 490—An Act to provide for the erection of a State hospital for the insane, to be located in Southern California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRICELAND, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Also, Senate Bill No. 344—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium or any preparation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GOUCHER, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 434—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children, for the thirty-eighth fiscal year, and to pay the interest thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bills Nos. 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, and 559—Acts making appropriations to pay deficiencies—have had the same under consideration, and respectfully report the same back, and recommend that they pass.

MOFFITT, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 511—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons, and insane persons to the insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885—have had the same under consideration, and respectfully report the same back, and a majority of said committee recommend that it do pass.

HINSHAW, Chairman.

Majority Report.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred the following Senate Bill No. 269—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization—have had said bill under consideration, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization—have had the same under consideration, and respectfully report the same back, and the majority of said committee recommend that it do not pass.

HINSHAW, Chairman.

Minority Report.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: The undersigned, minority of your Committee on Counties, County Government, and Township Organization, to whom was referred for consideration Senate Bill No. 269 and Assembly Bill No. 8, the substance of each bill being the same, and each entitled "An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization"—have had the same under consideration, and respectfully report them back, with recommendation that Assembly Bill No. 8 do pass, and that Senate Bill No. 269 be withdrawn.

Respectfully,

FRANK J. MOFFITT.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 412—An Act to define and regulate the duties and obligations of master and apprentice—have had the same under consideration, and respectfully report the same back, without recommendation.

BRITT, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 528—An Act to amend an Act entitled "An Act for the protection of preëmption and homestead claimants," approved March 23, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

DIXON, Chairman.

MOTION.

Mr. Dixon moved that Senate Bill No. 528 be referred to the Committee on Judiciary.
So ordered.

REPORTS OF COMMITTEES—(RESUMED).

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Joint Resolution No. 5—Relative to memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

DIXON, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 499—An Act to amend section seven of the Civil Code of California, relating to holidays.

Also, Senate Bill No. 497—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Also, Senate Bill No. 498—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Respectfully report the same back, without recommendation.

Also, Senate Bill No. 376—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, March 17, 1887, relating to the compensation of officers in counties of the fifth class, and the appointment of deputies of such officers—have had the same under consideration, and respectfully refer the same to the Committee on Counties, County Government, and Township Organization.

JONES, Chairman.

MOTION.

Mr. Jones moved that Senate Bill No. 376 be referred to the Committee on Counties, County Government, and Township Organization.
So ordered.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 12, 1889. }

To the Senate of the State of California:

I herewith transmit to your honorable body a memorial from citizens of Del Norte County, relative to improvements in Klamath River. As there is but one copy of the memorial, I respectfully request that you will inform the Assembly of its presentation to your honorable body.

R. W. WATERMAN, Governor.

To the members of the Legislature of the State of California:

We, the undersigned residents of the State of California, in the County of Del Norte, your petitioners, do hereby represent and petition your honorable body, as follows:

First—That the Klamath River, draining the northwestern portion of the State of California and the southeastern portion of the State of Oregon, is, as to the rivers of the State, second only in size to the Sacramento River.

Second—That, in fact, the said river is navigable for sea-going vessels from its mouth for several miles inland, and for light draught vessels or flat-bottomed boats, by a trifling expenditure in the way of improvements, the said stream is and would be navigable from its mouth to Metlah Bar, a distance of about twenty-five (25) miles.

Third—That your petitioners are informed and believe that there is now pending in both Houses of your honorable body a bill, or bills, which, in effect, repeals a former Act of the Legislature of the State of California declaring the said Klamath River a navigable stream.

Wherefore we, your petitioners, do hereby respectfully but earnestly remonstrate against the passage of such proposed legislation.

[Signed by one hundred and forty names.]

Referred to Committee on Commerce and Navigation.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 13, 1889. }

To the Senate of the State of California:

I herewith withdraw from the consideration of your honorable body the name of H. H. Boyce, appointed Brigadier-General First District, National Guard of California.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Joint Resolution No. 4—Relative to a charter for the City of Stockton, San Joaquin County, California.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Referred to Committee on Counties, County Government, and Township Organization.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Assembly Bills, viz.:

Assembly Bill No. 131—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the place of trial of civil action.

Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to assessment of damages where the right of eminent domain is exercised.

ED. E. LEAKE, Chief Clerk.

Assembly Bill No. 131 and Assembly Bill No. 132 referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 332—An Act to appropriate six thousand five hundred dollars for the purpose of employing and appointing counsel for the purpose of defending the Scott Exclusion Act.

ED. E. LEAKE, Chief Clerk.

AMENDMENTS CONCURRED IN.

Mr. Murphy moved that Senate Bill No. 332, reported from the Assembly, be now considered.

So ordered.

Assembly amendments were considered as follows:

Assembly amendment No. 1:

Amend section one by adding thereto: "provided, that in the event either of the persons named fails for any cause to perform the duties herein provided, the Attorney-General shall appoint a successor."

Mr. Murphy moved that the Senate concur in the amendment.

So ordered.

Assembly amendment No. 2:

Add a new section, as follows:

"SEC. 3. This Act shall take effect immediately."

Mr. Murphy moved that the amendment be concurred in.

So ordered.

Senate Bill No. 332 ordered to enrollment.

ASSEMBLY MESSAGES—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 145—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1886.

Also, Assembly Bill No. 174—An Act to define and regulate the duties and obligations of master and apprentice.

ED. E. LEAKE, Chief Clerk.

By H. HART, Assistant Clerk.

MOTION.

Mr. McDonald moved to withdraw Senate Bill No. 412, and substitute in its place on the file Assembly Bill No. 174, without recommendation by Committee on Public Printing.

So ordered.

Assembly Bill No. 145 was referred to Committee on City, City and County, and Town Governments.

SPECIAL ORDER.

Consideration of Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon.

Also, consideration of majority and minority reports of the Committee on Hospitals, concerning the Home for the Care of the Feeble-Minded.

Mr. Heacock, by permission, withdrew the resolution in relation to this subject, offered by him yesterday.

The question being on the committee amendments to Senate Bill No. 194, as follows:

After section one, on page one of the printed bill, add the words "which lands shall be located in Santa Clara County."

Mr. Murphy moved to amend section one, as proposed to be amended as above, by adding thereto the following:

Provided, that as good a location, and as good terms, in the opinion of the Board to select the site, all things being considered, can be obtained there as elsewhere."

Mr. Conklin offered a substitute for Senate Bill No. 194, as follows:

An Act to provide for the erection of suitable buildings for the California Home for the Care and Training of Feeble-Minded Children; for furnishing such buildings, and for sewerage and improving the grounds of said Home, and to make an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the erection of permanent and suitable buildings for the California Home for the Care and Training of Feeble-Minded Children, and for furnishing the same with all the furniture and fixtures necessary to the convenience and requirements of said Home, and to sewer and improve the grounds of said Home; *provided, however*, that not more than sixty thousand dollars

of said Home shall be used for the erection of said buildings, and not more than fifteen thousand dollars shall be used for furniture and for sewerage and otherwise improving said grounds.

Sec. 2. The Controller of the State is hereby directed to draw his warrant for said sums in favor of the Board of Trustees of said Home, and the Treasurer of the State is hereby directed to pay the same.

Mr. Conklin moved the adoption of the substitute.

RECESS.

The hour of recess having arrived, the President declared a recess.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names :

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Mr. Briceland, by permission, withdrew Senate Bill No. 95, and in lieu thereof Assembly Bill No. 213 was substituted and ordered on file for first reading.

SPECIAL ORDER—(RESUMED).

Consideration of the special order, Senate Bill No. 194 and the majority and minority reports of the Committee on Hospitals concerning the Home for the Care of Feeble-Minded, was resumed.

Mr. McGowan in the chair.

SECOND SPECIAL ORDER POSTPONED.

The hour of two o'clock and fifteen minutes P. M., being the time set apart for the consideration of Senate Bill No. 2 as a special order, having arrived, the said special order was, on motion of Mr. Yell, postponed till the matter under consideration be disposed of.

SPECIAL ORDER—(RESUMED).

Consideration of Senate Bill No. 194 resumed.

The Chair stated the question to be upon the substitute offered by Mr. Conklin.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

The Sergeant-at-Arms was furnished a list of the absentees, and the doors were closed.

The Sergeant-at-Arms appeared, and announced that Mr. Moffitt was present, and the Chair declared the Senator before the bar of the Senate.

On motion of Mr. Caminetti, the Senator was excused.

Mr. Crandall moved that further proceedings under the call be dispensed with.

Messrs. Goucher, Meany, and Moffitt demanded a call of the roll.

So ordered.

The roll was called, and the result was announced as follows:

AYES—Messrs. Boggs, Briceland, Britt, Campbell, Crandall, De Long, Dixon, Dray, Fraser, Greely, Heacock, Jones, McDonald, McGowan, Murphy, Pinder, Spellacy, Sprague, Williams, Wilson, and Yell—21.

NOES—Messrs. Banks, Bowers, Byrnes, Caminetti, Conklin, Dargie, Flint, Goucher, Hamill, Hinshaw, Langford, McComas, Mead, Meany, Moffitt, Preston, Roth, Welch, and White—19.

So ordered.

SPECIAL ORDER—(RESUMED).

Consideration of the special order, Senate Bill No. 194, was resumed, the question being on the adoption of the substitute offered by Mr. Conklin.

MOTION TO RECONSIDER.

At three o'clock P. M., in accordance with notice previously given, Mr. Murphy moved to reconsider the vote by which Senate Bill No. 154—An Act authorizing the formation of county mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof—was passed yesterday.

Roll call demanded by Messrs. White, Heacock, and Bowers.

The roll was called, and the motion to reconsider was lost by the following vote:

AYES—Messrs. Britt, Caminetti, Campbell, Flint, Fraser, Greely, Hamill, Jones, McDonald, Meany, Murphy, Sprague, Williams, Wilson, and Yell—15.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, and White—25.

SPECIAL ORDER—(RESUMED).

Consideration of the special order, Senate Bill No. 194, was resumed, the question being on the adoption of the substitute offered by Mr. Conklin.

Mr. Greely moved the previous question on the substitute.

So ordered.

CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms was furnished a list of the absentees, and the doors were ordered closed.

The Sergeant-at-Arms appeared and announced that Messrs. Spellacy and Flint were present, and the Chair declared the Senators before the bar of the Senate.

Mr. Greely moved that the Senators be excused.

So ordered.

The Sergeant-at-Arms appeared and announced that Mr. Langford was present, and the Chair declared the Senator before the bar of the Senate.

Mr. Meany moved that the Senator be fined five dollars.

The ayes and noes were called for by Messrs. Goucher, Meany, and White.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Byrnes, Caminetti, Dargie, Fraser, Goucher, Hamill, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Sprague, Welch, and White—16.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Pinder, Preston, Spellacy, Williams, Wilson, and Yell—24.

Mr. Meany moved that Mr. Langford be fined two dollars.

So ordered.

Mr. Fraser moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

SPECIAL ORDER—(RESUMED).

Consideration of the special order, Senate Bill No. 194, resumed.

The question being on the adoption of the substitute offered by Mr. Conklin, the roll was called with the following result:

AYES—Messrs. Bowers, Briceland, Conklin, Crandall, Dixon, Flint, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Meany, Pinder, Preston, Spellacy, Welch, White, and Williams—20.

NOES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Fraser, Hamill, Jones, McDonald, Mead, Moffitt, Murphy, Roth, Sprague, Wilson, and Yell—20.

The Chair declared the substitute lost.

President pro tem. S. M. White in the chair.

QUESTIONS OF PRIVILEGE.

Mr. Goucher arose to a question of privilege, regarding a report in the San Francisco "Examiner" of February thirteenth of the investigation being made by the Committee on Forestry and Yosemite Valley and Mariposa Big Trees, and to an editorial reference in the same issue of that paper to the same matter. He declared the references to Senator Meany and himself in those articles to be false.

Mr. Meany also arose to a question of privilege in regard to the same matter. He denounced the statements referred to as false.

A RESOLUTION.

By Mr. Heacock:

Resolved, That the Republican minority be allowed to adjourn.

Adopted.

SPECIAL ORDER—(RESUMED).

Consideration of the special order, Senate Bill No. 194, was resumed, the question being upon the amendment to the amendment, offered by Mr. Murphy, as follows:

Provided, that as good a location, and as good terms (in the opinion of the Board to select a site) all things being considered, can be obtained there as elsewhere.

Roll call demanded by Messrs. De Long, Britt, and Dray.

The roll was called, and the amendment was lost by the following vote:

AYES—Messrs. Boggs, Byrnes, Campbell, De Long, Fraser, Greely, Langford, Mead, Murphy, Roth, and Yell—11.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—27.

The question recurred upon the amendment to section one, proposed by the committee, as follows:

After section one, on page one of the printed bill, add the words "which lands shall be located in Santa Clara County."

Roll call was demanded by Messrs. Moffitt, Preston, and Jones.

The roll was called, and the amendment was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—Messrs. Campbell, Hinshaw, Langford, and Mead—4.

Mr. Murphy explained that he voted "aye," it being manifest that the Senate was nearly unanimous in desiring to keep the institution in Santa Clara County.

Mr. Mead explained his vote by stating his desire to be consistent in his action.

Mr. Crandall offered an amendment, as follows:

Strike out the words "by the Trustees of said Home," in line three of section two.

Mr. Crandall moved to postpone consideration of the amendment until the amendment to section four be considered.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1882.

Also, Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

Also, Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

Also, Senate Bill No. 68—An Act to amend chapter one, title nine, part one of the Penal Code, by adding two sections thereto, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine.

Also, Senate Bill No. 332—An Act to appropriate six thousand five hundred dollars for the purpose of employing and appointing counsel for the purpose of defending the so called Scott Exclusion Act.

Also, Senate Joint Resolution No. 1—Approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the sixth day of November, 1888.

And have this day delivered the same to the Governor.

MEAD, Chairman.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contested election cases of John J. Sullivan vs. W. O. Banks, and G. T. Harding vs. Frank S.

Sprague, beg leave to report as follows: That both cases have been fully argued by counsel for contestants and respondents; that the testimony introduced in the case of Sullivan vs. Banks has been printed for the benefit of the Senate.

Your committee has decided to refer both contests for determination to the Senate, without making any recommendation in the premises.

YELL, Chairman.

MOTIONS.

Mr. Wilson moved to make the report of the Committee on Elections a special order for to-morrow, at three o'clock P. M.

Mr. Caminetti moved, as an amendment, that it be made a special order for Friday next, at three o'clock P. M.

Mr. Moffitt moved, as an amendment to the amendment, that it be made a special order for Tuesday next, at two o'clock P. M.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Langford, McDonald, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

The names of the absentees were given to the Sergeant-at-Arms, and the doors were closed.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, and Williams—16.

NOES—Messrs. Banks, Bowers, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, McComas, McDonald, Preston, Roth, Sprague, White, Wilson, and Yell—21.

The Sergeant-at-Arms appeared, and reported that Messrs. Greely and Flint refused to return to the Senate.

The President requested Messrs. Goucher, Hamill, and Sprague to accompany the Sergeant-at-Arms, and request Messrs. Greely and Flint to appear.

The Sergeant-at-Arms appeared, and announced that Messrs. Greely and Flint were present, and the President declared them before the bar of the Senate.

Mr. Greely explained that they had been excused from attendance on the Senate by the adoption of the resolution offered by Mr. Heacock.

The President pro tem. declared the excuse not valid.

Mr. Moffitt moved that Messrs. Greely and Flint be fined twenty-five dollars each.

The President pro tem. expressed a doubt whether the Senators should be punished by a fine, as proposed, if they had really believed themselves excused from attendance.

Mr. Greely said they had so believed.

Mr. Boggs moved that they be excused.

So ordered.

Mr. Dray moved that further proceedings under the call be dispensed with.

So ordered.

SPECIAL ORDER MADE.

The question recurred on the motion made by Mr. Wilson, that the report of the Committee on Elections be made a special order for to-morrow, at three o'clock P. M.

Roll call was demanded by Messrs. Dargie, Bowers, and Caminetti.

The roll was called, and the motion carried by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McGowan, Mead, Preston, Roth, Sprague, Wilson, and Yell—26.

NOES—MESSRS. Britt, Caminetti, Dixon, Hamill, Langford, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, and Williams—14.

MOTION.

Mr. Murphy moved that the further consideration of Senate Bill No. 194 be made a special order for to-morrow, immediately after the disposal of the first special order already set for that day.

So ordered.

Mr. Yell moved that Senate Bill No. 2 be made a special order for to-morrow, immediately after the special order of Senate Bill No. 194.

So ordered.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 449—An Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also, Senate Bill No. 450—An Act to amend section three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and your committee herewith return a substitute for said Bills Nos. 449 and 450, and respectfully recommend that said substitute do pass.

GOUCHER, Chairman.

Mr. Goucher moved that five hundred copies of the Substitute for Senate Bills No. 449 and No. 450 be ordered printed.

So ordered.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Meany (by request): Senate Bill No. 581—An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane at Agnews, for the thirty-eighth fiscal year.

Referred to Committee on Claims.

RESOLUTION.

By Mr. Jones:

Resolved, That the Chairman of the Committee on Judiciary be allowed to draw from the Secretary of State additional supplies to those already received, for the use of the Committee on Judiciary of the Senate, not to exceed twenty-five dollars.

Referred to the Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Mr. Goucher moved that five hundred copies of the Substitute for Senate Bill No. 261 be ordered printed.

So ordered.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wilson (by request): Senate Bill No. 582—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 583—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, and three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.

Referred to Committee on Public, Swamp, and Overflowed Lands.

ADJOURNMENT.

At five o'clock and fifty-four minutes P. M., on motion of Mr. Jones, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 14, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britz, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hancock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Mr. Crandall was granted one day's leave of absence.

READING OF JOURNAL.

Journal of yesterday read and approved.

SPECIAL ORDERS.

The special order set for consideration immediately after the reading of the Journal, Senate Bill No. 280, was made a special order for to-morrow, at one o'clock and thirty minutes P. M.

The second special order, Senate Bill No. 194, was continued till after the order of introduction of bills.

The third special order, Senate Bill No. 2, was continued till the same time.

PETITIONS.

Mr. McComas presented the following petition, signed by six hundred and forty-eight residents of the City of Oakland, which was referred to Committee on Elections:

To the honorable the Senate and Assembly of the State of California:

GREETING: We, the undersigned residents of Oakland, in the County of Alameda, State of California, in view of the dissipation and demoralizing influences arising from the desecration of Sunday in the State, earnestly and respectfully petition your honorable body for the enactment of a Sunday law that shall give laboring men a day of rest; prohibit the carrying on of all unnecessary business; prohibit barbarous, unseemly, and noisy amusements, such as theaters, processions, concerts, and games; and also prohibit the opening upon Sunday of all places where intoxicating beverages are sold; also providing, by proper legislation, for the enforcement thereof.

Mr. McComas presented a petition from the Woman's Suffrage Association of Los Angeles, praying for the right of municipal suffrage to the women of California. [Signed by nine hundred names.]

Referred to Committee on Elections.

Mr. Jones introduced the following protest:

To the Governor and Legislature of the State of California:

We, the undersigned citizens and taxpayers of Butte County, do hereby protest against the payment by the said State of California of the sum of two hundred and fifty thousand dollars, or any other sum, for the purpose of holding a State exhibit in London.

Signed by—

G. T. HAMLIN,
M. BRINCE.

And one hundred and fifty others.

Ordered printed in the Journal.

REPORTS OF STANDING COMMITTEES.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 562 and Assembly Bill No. 145 have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 14—An Act to amend section two thousand two hundred and ninety-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the appointment of the Board of Trustees of the State Library, and their term of office.

Also, Senate Bill No. 329—An Act to enlarge the State Library by purchasing and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

MURPHY, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 159—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Also, Senate Bill No. 399—An Act to enable women to vote at elections for school officers, and in matters pertaining solely to schools, and to qualify them to hold all educational offices.

Also, Assembly Bill No. 197—An Act to authorize the establishment of county high schools, and provide for their support.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 569—An Act to readjust the salaries of County Superintendents of Schools in the State of California, and more fully define their duties. Have had the same under consideration, and respectfully report the same back, without recommendation, and that while the committee would like to see the salaries readjusted in many instances, and increased in a number of them, yet it doubts the policy of doing so in the manner suggested by the bill under consideration. A much better method is to amend the sections applicable to the salaries of Superintendents of Schools, contained in the County Government Act. We recommend that course to be pursued.

Also, Senate Bill No. 59—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new sections thereto, to be known respectively as sections five hundred and forty, five hundred and forty-one, and five hundred and forty-two.

Also, Senate Bill No. 138—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to applicants for primary county certificates, and the studies in which said applicants shall be examined.

Also, Senate Bill No. 134—An Act authorizing school districts, cities, cities and counties, or incorporated towns, in the State of California, to furnish the children of their respective public schools with the free use of school text-books.

Also, Senate Bill No. 354—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, relating to the free printing of the State text-books.

Also, Senate Bill No. 572—An Act to provide for the levy and collection of taxes by school districts incorporated under the laws of the State, excepting in cities of the first, second, third, and fourth classes.

Also, Senate Bill No. 167—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 13, 1889. }

To the Senate of the State of California:

I herewith inform your honorable body that I have, this day, approved Senate Bill No. 332—An Act to appropriate six thousand five hundred dollars for the purpose of employing counsel for the purpose of defending the "Scott Exclusion Act."

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, directed me to respectfully request of the Senate to return to the Assembly, for correction, the following Assembly Bills, viz.:

Assembly Bill No. 35—An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes by the City Council or Trustees of any city and county, or incorporated town.

Assembly Bill No. 214—An Act to amend sections three thousand and seventy-seven, three thousand and seventy-eight, three thousand and eighty, and three thousand and eighty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

The Secretary was instructed to return to the Assembly, Assembly Bill No. 35 and Assembly Bill No. 214.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendment to Assembly Bill No. 26—An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California.

Also, concurred in the Senate amendment to Assembly Bill No. 335—An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 39—An Act to amend section four hundred and eight of the Code of Civil Procedure.

Also, Assembly Bill No. 113—An Act to amend section six hundred and eighty of the Political Code, relating to investing school funds of the State.

Also, Assembly Bill No. 154—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Also, Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Also, Assembly Bill No. 292—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 4, 1872.

Also, Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Also, Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Conference Committee on Senate Concurrent Resolution No. 4, the committee reporting a substitute therefor, entitled Substitute for Senate Concurrent Resolution No. 4—Requesting the Senate and House of Representatives of the United States to continue in force a certain Act of Congress entitled "A supplement to an Act entitled 'An Act to execute certain treaty stipulations relating to Chinese,'" approved on the first day of October, 1883, and praying for additional legislation to make it more effective.

ED. E. LEAKE, Chief Clerk.

BILLS REFERRED.

Assembly Bill No. 39 referred to Committee on Judiciary.

Assembly Bill No. 113 referred to Committee on Education.

Assembly Bill No. 154 referred to Committee on Education.

Assembly Bill No. 62 referred to Committee on Public Printing.

Assembly Bill No. 292 referred to Committee on Judiciary.

Senate Bill No. 89 and Senate Bill No. 92 ordered to enrollment.

Mr. Flint, by permission, withdrew Senate Bill No. 365, and Assembly Bill No. 145 was recalled from committee and substituted for Senate Bill No. 365 on the file.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Moffitt: Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors.

Referred to Committee on Labor and Capital.

By Mr. McComas: Senate Bill No. 585—An Act to amend section three thousand eight hundred and four of "An Act to establish a Political Code," approved March 12, 1872, relating to the collection of property taxes.

Referred to Committee on Judiciary.

By Mr. Hinshaw (by request): Senate Bill No. 586—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of actions and providing how actions may be dismissed or non-suit entered.

Referred to Committee on Judiciary.

Also (by request), Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving of pure California wine labels.

Referred to Committee on Viniculture and Viticulture.

By Mr. Byrnes: Senate Bill No. 588—An Act to amend "An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons," approved April 1, 1878.

Referred to Committee on Judiciary.

By Mr. Langford: Senate Bill No. 589—An Act to amend section eight hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to persons acting as attorneys in Justices' Courts.

Referred to Committee on Judiciary.

RESOLUTION—(OUT OF ORDER).

By Mr. McDonald:

Resolved, That the Chairmen of all standing or special committees to which bills have been referred, and upon which no action has been reported to this Senate within ten days, be and they are hereby required to report such bills back to this Senate to-morrow.

MOTIONS.

Mr. Murphy moved that the resolution be referred to the Committee on Rules, with instructions to report the same back this afternoon.

So ordered.

Mr. Caminetti moved that the Committee on Rules report back tomorrow the resolution offered by him last Friday concerning the reports of the Committee on Claims.

So ordered.

SPECIAL ORDER.

The consideration of the special order, Senate Bill No. 194, was resumed. The following committee amendment was adopted:

On page two, after line six of section four, printed bill, add the words: "For the purpose of locating the site the Governor shall appoint two citizens, to act with the Board of Trustees, who shall upon this question have full power with the Board."

The following amendment to section two, offered by Mr. Crandall yesterday, was considered:

Strike out the words "by the Trustees of said Home," in line three of section two.

Lost.

Mr. Caminetti moved to strike out the word "before," after the word "herein," in section two.

So ordered.

Mr. Bowers offered the following substitute:

Substitute for Senate Bill No. 194—An Act to provide for the erection of suitable buildings for the California Home for the Care and Training of Feeble-Minded Children, for furnishing such buildings, and for sewerage and improving the grounds of said Home, and to make an appropriation therefor.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to provide for the erection of permanent and suitable buildings for the California Home for the Care and Training of Feeble-Minded Children, and for furnishing the same with all the furniture and fixtures necessary to the convenience and the requirements of said Home, and to sewer and improve the grounds of said Home; *provided, however,* that not more than fifty thousand dollars of said sum shall be used for the erection of said buildings, and not more than ten thousand dollars of said sum shall be used for furniture and sewerage and otherwise improving the grounds.

SEC. 2. All work required to be performed under this Act shall be performed by the day, and under the provisions of the Political Code regulating the hours of labor.

SEC. 3. The Controller of the State is hereby directed to draw his warrant for said sums in favor of the Board of Trustees of said Home, and the Treasurer of the State is hereby directed to pay the same.

Leave of absence was granted to Mr. Goucher for the day.

Mr. Bowers moved the previous question, but withdrew the motion.

Mr. Caminetti offered a substitute, which was ruled out of order.

Mr. Bowers moved a call of the Senate.

The roll was called on the motion, and it was lost by the following vote:

AYES—Messrs. Bowers, Briceland, Campbell, Conklin, Dargie, Dixon, Flint, Fraser, Heacock, Hinshaw, McComas, Meany, Preston, Sprague, Welch, White, and Williams—17.
 NOES—Messrs. Banks, Boggs, Byrnes, Caminetti, De Long, Dray, Greely, Jones, McDonald, McGowan, Moffitt, Murphy, Pinder, Roth, Spellacy, and Yell—17.

The question being on the adoption of the substitute offered by Mr. Bowers, a roll call was demanded by Messrs. Bowers, Briceland, and Greely.

The roll was called, and the substitute was rejected by the following vote:

AYES—Messrs. Bowers, Briceland, Campbell, Conklin, Dray, Fraser, Greely, Jones, McDonald, Meany, Welch, White, and Williams—13.

NOES—Messrs. Banks, Byrnes, Caminetti, Dargie, Dixon, Flint, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Wilson, and Yell—20.

Mr. De Long announced that he was paired with Mr. Crandall. He would have voted "no," and Mr. Crandall would have voted "aye."

Mr. Boggs announced that he was paired with Mr. Goucher. He would have voted "aye," and Mr. Goucher would have voted "no."

Mr. Caminetti moved to amend section one, line one of the bill, by striking out the word "seventy-five" and inserting in lieu thereof the word "fifty."

Adopted.

Senate Bill No. 194 ordered engrossed and to a third reading.

SPECIAL ORDER—SENATE BILL No. 2.

Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry—came up as the special order.

Committee amendments were considered, as follows:

Strike out, in line five, page one, of original bill, the figures and mark as follows: "\$111,360," and insert in lieu thereof the following: "\$75,000."

Adopted.

Insert after the word "State," in line four, page two, the words "Treasury in favor."

Adopted.

Mr. Heacock offered the following amendment:

Strike out of section one, line three, printed bill, the word "seventy-five," and insert the word "thirty."

ASSEMBLY MESSAGE.

The following message was received from the Assembly, and, on motion of Mr. Moffitt, was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following resolution:

Resolved by the Senate, the Assembly concurring. That the Senate and Assembly will meet in joint convention on Thursday, February 14, 1889, at one o'clock and thirty minutes P. M., in the Assembly Chamber, for the purpose of electing Trustees of the State Library, to fill the vacancies in the present Board of Trustees, caused by the death of Hon. Henry Edgerton and the resignation of Hon. W. H. Beatty.

E. E. LEAKE, Chief Clerk.

By H. HART, Assistant Clerk.

MOTION.

Mr. Moffitt moved that the resolution be adopted.
So ordered.

SPECIAL ORDER—(RESUMED).

Consideration of Senate Bill No. 2 was resumed.

RECESS.

The hour of twelve o'clock M. having arrived, President pro tem. White declared a recess till one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dray, Flint, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Pinder, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell.

Quorum present.

MOTION.

On motion of Mr. Jones, the Senate proceeded to meet the House in joint convention, as per concurrent resolution adopted this day.

IN JOINT CONVENTION.

Pursuant to Assembly Concurrent Resolution No. 9, adopted this day, February 14, 1889, both Houses of the Legislature met in joint convention, at one o'clock and thirty minutes P. M., for the purpose of electing two Trustees of the State Library to fill the vacancies in the present Board of Trustees, caused by the death of Hon. Henry Edgerton, and the resignation of Hon. W. H. Beatty.

The President pro tem. of the Senate, acting in the absence of the Lieutenant-Governor, and the Speaker of the Assembly, presided.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of the Senate.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The President pro tem. directed the Chief Clerk of the House to call the roll of the Assembly.

The roll was called, and the following members of the Assembly responded:

Messrs. Adams, Alexander, Atherton, Bangs, Berry, Black, Braman, Brown, Burnett, Burwell, Campbell, Chapman, Coleman, Coombs, Crawford, Davis, Dibble, Dinan, Dobbin, Edwards, Ewing, Fassett, Frank, Gardner, Hall, Hart, Hersey, Hook, James, Kiernan, LaGrave, Long, Maher, Mahler, Mathews, McCarthy, McKeown, McMullin, McVay, Mulgrew, Mullaney, Mulvey, Murray of Humboldt, Murray of San Francisco, Ostrom, Petrie, Reavey, Reavis, Regan, Renison, Reynolds, Seawell, Shanahan, Simpson, Staude, Sykes, Tucker, Tully, Tulloch, Turner, Wear, Whitehurst, Williams, Young, and Mr. Speaker.

Quorum of both Houses present.

RESOLUTION.

Mr. Ostrom offered the following resolution:

Resolved, That when the roll is called on the election of Trustees for the State Library, each Senator and Assemblyman announce the names of two candidates as his choice for the office of Trustees of the State Library.

Adopted.

PROTESTS.

Mr. Wilson entered a verbal protest against any further proceedings in the matter of the election of the two Trustees, on the ground that no such vacancies exist, the same having already been filled by the Governor.

Mr. Dibble entered a similar protest.

NOMINATIONS.

The President pro tem. of the Senate explained the object of the convention, and declared nominations in order.

Mr. Yell nominated R. D. Stephens to fill the vacancy caused by the death of Hon. Henry Edgerton.

Mr. Ostrom nominated Dr. M. Gardner to fill the vacancy caused by the resignation of Hon. W. H. Beatty.

There being no further nominations, the President pro tem. of the Senate declared nominations closed.

The roll of the Senate was called by the Secretary, with the following result:

For R. D. Stephens and Dr. M. Gardner—Messrs. Boggs, Briceland, Britt, Caminetti, Dixon, Fraser, Hinshaw, Jones, Langford, McDonnell, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

For John Doe and Richard Roe—Mr. Sprague.

The following Senators declined to vote:

Messrs. Campbell, Conklin, Dargie, Dray, Flint, Greely, Heacock, McComas, McGowan, Preston, and Wilson.

The roll of the Assembly was called by the Chief Clerk, with the following result:

For R. D. Stephens and Dr. M. Gardner—Messrs. Adams, Bangs, Berry, Black, Brannan, Burnett, Burwell, Crawford, Dinan, Dobbin, Frank, Hall, Hart, James, Kiernan, LatGrave, Long, Mahler, Mathews, McCarthy, McMullin, McVay, Mungrow, Mullaney, Mulvey, Murray of San Francisco, Ostrom, Porter, Reavey, Reavis, Regan, Renison, Reynolds, Searcy, Seawell, Shanahan, Staude, Sykes, Tucker, Tully, Tulloch, Wear, Whitehurst, and Mr. Speaker.

The following Assemblymen declined to vote:

Messrs. Alexander, Atherton, Brierly, Brown, Campbell, Chapman, Culver, Ewing, Fassett, Gardner, Hersey, Holmes, Maher, McKeown, Murray of Humboldt, Petrie, Simpson, Williams, and Young.

Whole number of votes cast.....	66
Necessary to choice.....	34
R. D. Stephens received.....	65
Dr. M. Gardner received.....	65
John Doe received.....	1
Richard Roe received.....	1

The President pro tem. of the Senate announced that R. D. Stephens, having received a majority of all the votes cast in joint convention, a majority of all the members elected to both Houses being present, was duly elected Trustee of the State Library to fill the unexpired term caused by the death of Hon. Henry Edgerton.

And also announced that Dr. M. Gardner, having received a majority of all the votes cast in joint convention, a majority of all the members elected to both Houses being present, was duly elected Trustee of the State Library to fill the unexpired term caused by the resignation of Hon. W. H. Beatty.

MINUTES APPROVED.

Mr. Yell moved that the minutes of the joint convention stand approved.
So ordered.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Yell, the joint convention adjourned.

IN SENATE.

At two o'clock and fifteen minutes P. M. the Senate reassembled.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

MOTION.

Mr. Murphy called up Senate Bill No. 194, and moved to strike from the title the words "a bill for" and "to be."

So ordered.

Bill ordered engrossed and to a third reading.

A SPECIAL ORDER SET.

Mr. Moffitt moved that the special order, the Governor's message, relative to appointments, be made a special order for Thursday, February twenty-first, at two o'clock and fifteen minutes P. M.

So ordered.

SPECIAL ORDER—(RESUMED).

The Senate resumed consideration of Senate Bill No. 2, relative to the State Board of Forestry, the question being on Mr. Heacock's amendment to reduce the amount of the appropriation from seventy-five thousand dollars to thirty thousand dollars.

Mr. Wilson moved, as an amendment to the amendment, that the amount be fixed at fifty thousand dollars.

Mr. Conklin moved, as a substitute, that the amount be ten thousand dollars.

The roll was called upon the adoption of the substitute, and it was lost by the following vote:

AYES—Messrs. Bowers, Campbell, Conklin, Hamill, Hinshaw, Langford, Pinder, Roth, and Welch—9.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Spellacy, Sprague, White, Williams, Wilson, and Yell—28.

The question recurred upon the amendment offered by Mr. Heacock, fixing the amount at thirty thousand dollars.

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Pinder, Preston, Roth, and Welch—21.

NOES—Messrs. Banks, Britt, Caminetti, De Long, Hamill, Jones, McDonald, Moffitt, Murphy, Spellacy, Sprague, White, Williams, Wilson, and Yell—15.

MOTION.

It was stated by the President that he had received from Mr. Goucher a physician's certificate of his serious illness, with a request that action on the report of the Committee on Elections be postponed until he is sufficiently recovered to be able to be in his place in the Senate.

Mr. Yell moved to pass the special order for the hour, the report of the Committee on Elections, and that it be postponed until the pending bill be disposed of.

So ordered.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary.

Also, Senate Bill No. 190—An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the Mendocino State Insane Asylum, and appropriating money therefor.

Also, Senate Concurrent Resolution No. 2—Relating to the matter of securing an appropriation for the improvement of Eel River.

And have this day delivered the same to the Governor.

MEAD, Chairman.

SPECIAL ORDER—(RESUMED).

Mr. Heacock moved to amend section one, by adding thereto the following:

Provided, that no further expenditure shall be made upon any station the fee of which is not unconditionally vested in this State, and that no other station be selected or used for any purpose connected with this Act, except upon land unconditionally donated for that purpose.

Adopted.

Bill ordered engrossed and to a third reading.

SPECIAL ORDER POSTPONED.

Mr. Yell moved that the consideration of the special order—the report of the Committee on Elections—be made a special order for to-morrow, at eleven o'clock and fifteen minutes A. M.

So ordered.

REPORT OF COMMITTEE ON RULES.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following:

Resolved, That the Chairmen of all standing or special committees to which bills have been referred, and upon which no action has been reported to this Senate within ten days, be and they are hereby required to report such bills back to this Senate to-morrow.

Have had the same under consideration, and respectfully report the same back, with an amendment, and recommend that it be adopted.

HAMILL, Chairman.

Mr. Jones moved to include the Committee on Judiciary in the exception.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

Roll call on the motion demanded by Messrs. Jones, Wilson, and Boggs.

The roll was called, and the motion was carried by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Jones, Pinder, Preston, Sprague, White, and Wilson—19.

NOES—Messrs. Bowers, Briceland, Caminetti, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Roth, Spellacy, and Williams—15.

A call of the Senate being ordered, the roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

On motion of Mr. Preston, further proceedings under the call were dispensed with.

MOTION.

Mr. McComas moved, as a substitute, that all the committees be required to report on Monday next all bills that have been in their hands for over ten days, except the Committee on Finance.

RESOLUTION.

Mr. De Long offered the following resolution, which was read for information:

Resolved, That when any Senator desires the immediate report on any bill that has been referred to any committee, on a motion by him to that effect, that said bill shall be reported back at once without recommendation.

WITHDRAWAL OF SUBSTITUTE.

Mr. McComas withdrew his substitute.

Mr. De Long offered his resolution as a substitute.

POINT OF ORDER.

Mr. Caminetti raised the point of order that the substitute cannot be considered without reference to the Committee on Rules.

The point of order was overruled.

SUBSTITUTE LOST.

The question being upon the substitute, the roll was called, and the substitute was lost by the following vote, not having the requisite three-fifths vote:

AYES—Messrs. Banks, Boggs, Byrnes, Dray, Flint, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Pinder, Preston, Roth, Spellacy, Sprague, White, and Wilson—20.

NOES—Messrs. Bowers, Briceland, Britt, Conklin, De Long, Dixon, Fraser, Hamill, McDonald, Moffitt, Murphy, Welch, and Williams—13.

QUESTION OF AMENDMENT.

The question recurred on the amendment of Mr. Jones.

Mr. Jones withdrew the amendment and offered a substitute, excepting from the operation of the proposed order the Committees on Finance, Judiciary, and Claims.

The roll was called on the adoption of the substitute, and it was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dixon, Dray, Flint, Heacock, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Preston, Roth, and Sprague—20.

NOES—Messrs. Banks, Britt, De Long, Fraser, Greely, Hamill, McComas, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Wilson—15.

AMENDED RESOLUTION LOST.

The question recurred upon the resolution, as amended by the committee, excepting from the order the Committees on Finance and Claims.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Britt, Flint, Hamill, McDonald, McGowan, Moffitt, Murphy, Preston, Welch, White, and Williams—11.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Pinder, Roth, Spellacy, Sprague, Wilson, and Yell—24.

ORIGINAL RESOLUTION.

The question recurring upon the original resolution, it was put to a vote, and lost.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the insane asylum at Stockton for the twenty-fifth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Roth, Sprague, Welch, White, Williams, and Wilson—26.

NOES—Mr. Yell—1.

Title read and approved.

Senate Bill No. 357—An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Read third time.

Mr. Heacock moved that the bill be recommitted to Senator Dray as a committee of one, with instructions to amend by adding at the end of section one:

"To the amount of any moneys still remaining in the State Drainage Construction Fund in the State Treasury."

And to strike out section three in said Act, and rearrange the numbers of the sections following.

Mr. Heacock subsequently withdrew the motion.

CALL OF THE SENATE.

Mr. Dray moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Dray moved that further proceedings under the call be dispensed with.

So ordered.

GENERAL FILE—(RESUMED).

The Senate resumed consideration of the third-reading file.

Senate Bill No. 357—An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

The bill having been read a third time, the roll was called and the bill passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Wilson, and Yell—28.

NOES—Messrs. Caminetti, Hamill, Murphy, Spellacy, Welch, White, and Williams—7.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Yell gave notice that, on to-morrow, he will move to reconsider the vote by which Senate Bill No. 357 was passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 29—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to Justices' Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Sprague, Welch, White, Williams, and Wilson—30.

NOES—Mr. Yell—1.

Title read and approved.

GENERAL FILE—SECOND READING OF BILLS.

Assembly Bill No. 210—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Read second time, and ordered on file for third reading.

Assembly Bill No. 216—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health.

Read second time, and ordered on file for a third reading.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Assembly Bill No. 234—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and one half, to protect the registration of thoroughbred cattle and other domestic animals.

Mr. Greely moved to amend by inserting a new section, to be numbered section two, and to read as follows:

SEC. 2. Every person willfully advertising any such animals for the purposes of copulation or profit as having a pedigree other than the true pedigree of such animal, shall forfeit all right by law to collect pay for the services of said animal.

Adopted.

Also, to amend section two of printed bill by renumbering said section "section three."

Adopted.

Bill ordered engrossed and to a third reading.

MOTIONS.

Mr. Caminetti moved to substitute Senate Bill No. 402 (No. 127 on file) for Senate Bill No. 175 (No. 8 on file).

So ordered.

Mr. Caminetti, by consent, offered a substitute for Senate Bill No. 402, to take its place on file.

Mr. Heacock moved that the substitute be made a special order for next Monday, at two o'clock P. M.

Mr. Preston moved, as an amendment, that it be made a special order for to-morrow, at three o'clock P. M.

Mr. Caminetti moved, as a substitute, that the bill be passed, to come up in its regular order on the second-reading file.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed by the Branch State Prison at Folsom.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 237—An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners.

Mr. Mollitt moved to strike out the enacting clause, a bill of the same import having already passed the Senate.

So ordered.

Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Read second time.

Mr. Mollitt moved to transpose the contents of sections two and three.

So ordered.

Ordered engrossed and to a third reading.

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Bill passed on file, and ordered printed, as amended.

Senate Bill No. 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 253—An Act to amend section six hundred and thirty-five of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Mr. Greely moved that this bill be withdrawn, and that Senate Bill No. 66 (No. 78 on file) be substituted for Senate Bill No. 253 (No. 14 on file).

So ordered.

Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880.

Committee amendments were considered, as follows:

Amend section one to read section two; section two to read section three; section three to read section four; section four to read section five; section five to read section six; section six to read section seven.

Adopted.

And insert for section one the following:

SECTION 1. Section two of said Act is hereby amended so as to read as follows:

Section 2. Upon the receipt of a petition contemplated in section one of this Act, the Board of Supervisors shall, by order, appoint a time for hearing the same, which shall not be more than sixty days from the making of such order, and shall cause said petition to be published in some newspaper published in the county in which the larger portion of the proposed district may be situated; or, if there is no newspaper published in such county, then in some newspaper having a general circulation in such proposed district, for four successive weeks prior to the day appointed for the hearing. They shall also cause to be published in such newspaper, for the same time, immediately below the printed copy of said petition, and as a part of the publication thereof, a notice to all persons interested in the formation of the proposed district of the time and place of such hearing, and to appear therein and show cause why such petition should not be granted. Any person owning lands in the proposed district may appear before said Board at such hearing, and shall be heard for or against the granting of the petition and the organization of the district, and may produce evidence for or against the same.

Adopted.

Amend the title to read as follows:

An Act to amend sections two, three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow other than lands recognized as swamp lands," approved April 15, 1880.

Adopted.

Mr. Greely moved to amend section six by striking out the word "five," in line twenty-five thereof, and inserting the word "six."

Also, in line eight, page six, the word "to" was ordered inserted after the word "over."

Bill read second time, ordered engrossed and to a third reading.

Mr. Moffitt moved that Senate Bills Nos. 54, 53, and 193, be passed on file.

So ordered.

Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.

Committee amendments considered, as follows:

Amendment No. 1:

In line twenty-one, page twenty-two, after the word "California" insert the words "and attorney for the Board of Harbor Commissioners."

Amendment No. 2:

In line twenty-five, after the word "Attorney-General" insert the words "and attorney for the Board of Harbor Commissioners."

Adopted.

Amendment No. 3:

Add two new sections on page three, after section three, said new sections to be numbered, respectively, four and five, as follows:

SEC. 4. In bringing this action it is expressly understood that said John Hackett shall file with the Court where such action is to be first tried, a bond in a sum sufficient to cover the cost of Court, such as may be deemed sufficient and approved by said Court, and an additional bond in the sum of five hundred dollars, to be paid as fees for counsel employed by the State in the defense of the case; but in the event of a judgment in favor of said John Hackett, he shall in no manner be responsible, and his bondsmen shall be released from all liability.

Adopted.

SEC. 5. If the said John Hackett should begin the action referred to herein in a Court not satisfactory to the Attorney-General of the State, the said Attorney-General is hereby empowered to designate another Court of competent jurisdiction where the case shall be tried.

Adopted.

Mr. Moffitt moved to renumber certain sections.

So ordered.

Read second time, ordered engrossed and to a third reading.

MOTION.

Mr. Campbell moved to adjourn.

Mr. Caminetti moved, as an amendment, to take a recess until eight o'clock, at which time only the first reading of bills be considered.

Roll call demanded by Messrs. Bowers, Spellacy, and Fraser.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bowers, Conklin, Dray, Heacock, Hinshaw, Langford, McComas, Meany, Moffitt, Pinder, White, and Williams—12.

NOES—Messrs. Banks, Byrnes, Campbell, Dargie, De Long, Flint, Greely, Hamill, Jones, McDonald, McGowan, Murphy, Preston, Roth, Spellacy, Sprague, Welch, Wilson, and Yell—19.

Mr. Campbell withdrew his motion, temporarily.

RESOLUTIONS.

By Mr. De Long:

Resolved, That hereafter when a call of the Senate has been ordered, that the doors of the Senate shall be closed immediately, instead of waiting until the roll call is finished, and no Senator absent when the doors are closed shall be allowed to enter except in company with the Sergeant-at-Arms, until the call is dispensed with.

Adopted.

By Mr. Langford:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of B. F. Langford for mileage account of Senate Committee on Harbors, Rivers, and Coast Defenses, for the sum of one hundred dollars and eighty cents, as per statement herewith:

Senator Spellacy, to San Francisco and return.....	\$16 80
Senator Hamill, to San Francisco and return.....	16 80
Senator Bowers, to San Francisco and return.....	16 80
Senator Banks, to San Francisco and return.....	16 80
Senator Langford, to San Francisco and return.....	16 80
Clerk Chapman, to San Francisco and return.....	16 80
Total.....	\$100 80

LANGFORD, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

Mr. Campbell renewed his motion to adjourn.

Mr. Caminetti moved, as an amendment, that the Senate take a recess till seven o'clock and fifty-five minutes P. M.

So ordered.

Whereupon, at six o'clock and four minutes P. M., the Senate took a recess.

EVENING SESSION.

Secretary Peckham in the chair.

Mr. Jones moved that Mr. Yell be installed as President pro tem. of the Senate for the evening.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

GENERAL FILE—FIRST READING OF BILLS.

Mr. Bowers in the chair.

The following bills were read first time, and ordered on file for second reading :

Senate Bill No. 382—An Act to amend section six hundred and thirty-two of the Penal Code, approved February 14, 1872, relating to the preservation of game and fish.

Senate Bill No. 387—An Act to authorize the Board of Fish Commissioners to dispose of the steam launch Governor Stoneman, and to replace it by two smaller boats, to be used as patrol boats.

Senate Bill No. 392—An Act to pay the claim of James W. Rankin for services in the office of the State Treasurer of California.

Senate Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento.

Senate Bill No. 443—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Senate Bill No. 396—An Act to appropriate money to pay the claim of Max Gumpel for services rendered to the State as an expert during the trial of John S. Gray.

Senate Bill No. 296—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Senate Bill No. 336—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

Senate Bill No. 26—An Act making appropriations for the purchase of an electric plant, pump and pipes, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Senate Bill No. 118—An Act to divide the State of California into two prison districts, for the purpose of reducing expenses in the transportation of prisoners.

Assembly Bill No. 365—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections.

Senate Bill No. 198—An Act to authorize the establishment of county high schools and provide for their support.

Senate Bill No. 260—An Act in relation to the taxation of banks.

Senate Bill No. 321—An Act to amend section four hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer.

Senate Bill No. 261—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

Senate Bill No. 363—An Act relating to the mode, place, and time of inflicting the death penalty.

Senate Bill No. 390—An Act providing for the appointment of a commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Assembly Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Senate Bill No. 487—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 199—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Senate Bill No. 146—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Senate Bill No. 457—An Act to enfranchise the women citizens of the State, and prescribing their qualifications as electors.

Senate Bill No. 410—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes.

Senate Bill No. 411—An Act to increase the number of Judges of the Superior Court of the County of San Bernardino, State of California, and for the appointment of such additional Judge.

Senate Bill No. 347—An Act providing for the cleaning of the stone used in the Capitol building, by the removal therefrom of all stains, rust, and other unsightly and injurious substances, and the preservation of said stone from future similar conditions by chemical applications that shall protect said stone from injury through the effect of moisture, and to appropriate money to pay the expenses thereof.

Senate Bill No. 160—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 222—An Act to regulate and control the sale of intoxicating liquors.

Senate Bill No. 370—An Act to amend the Penal Code by adding thereto a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium and other narcotic poisons, or any preparation thereof.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code.

Senate Bill No. 308—An Act to amend section seven hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Senate Bill No. 272—An Act to prevent the sale of cigarettes and tobacco to minors.

Senate Bill No. 445—An Act to provide for the appointment of matrons for prisons and jails of cities and counties, defining their duties, and providing for their compensation.

Senate Bill No. 494—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Senate Bill No. 472—An Act for the protection of trees, plants, and vines from insect pests.

Senate Bill No. 263—An Act to authorize the Board of Supervisors of the City and County of San Francisco, State of California, to pay the claim of Alice Kenna and James Wildridge Kenna.

Senate Bill No. 182—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Senate Bill No. 383—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Senate Bill No. 389—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and thirty-four, relating to fish and game.

Senate Bill No. 132—An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.

Senate Bill No. 303—An Act to amend sections one thousand one hundred and eighty-six and one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21,

1872, regarding conveyances by married women, and the acknowledgment thereof.

Senate Bill No. 521—An Act to repeal section three hundred and six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Senate Bill No. 475—An Act to amend sections three hundred and forty-three and four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved April 23, 1880, relating to the number and designation of the civil executive officers, and also relating to the salary of the clerk of the Treasurer of State, and equalizing and changing the title of clerk to that of bookkeeper, the same with the salary paid the bookkeeper for other State officers.

Senate Bill No. 43—An Act to establish a uniform system of fees of office in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith.

Senate Bill No. 447—An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the contents of a judgment roll, and providing that the same shall contain a copy of the notice of intention to move for a new trial and any order made thereon.

Senate Bill No. 366—An Act to repeal section three hundred and six, article two, chapter one, title one, part four, division first, of the Civil Code of this State, relating to corporations.

Senate Bill No. 133—An Act to amend section four thousand one hundred and four of the Political Code, by providing the number of Justices of the Peace and Constables to be elected in the townships and incorporated towns and cities within the counties, not including cities and counties, within this State.

Senate Bill No. 131—An Act to add a section to the Political Code, to be known as section three thousand eight hundred and ninety-nine, providing for supplementary assessments whenever any person or corporation or property shall have been omitted from any tax assessment or assessment roll.

Senate Bill No. 481—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of trustees after the distribution of estates, and to compensation of trustees.

Senate Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to the compensation of trustees.

Senate Bill No. 407—An Act to amend section nine hundred and forty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of taking appeals, and providing when an appeal may be taken by giving notice thereof, and repealing section nine hundred and forty-one of said Code.

Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Senate Bill No. 426—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Senate Bill No. 460—An Act to legalize certain acknowledgments.

Senate Bill No. 461—An Act to amend section one thousand one hundred and eighty-one of the Civil Code of the State of California, as amended April 3, 1880, relating to the proof and acknowledgment of instruments.

Assembly Bill No. 20—An Act to amend section one hundred and twenty-eight of the Civil Code of the State of California, relative to actions in divorce cases.

Senate Bill No. 463—An Act to amend section sixty-nine of the Civil Code, relating to marriage.

Senate Bill No. 147—An Act to amend section six hundred and seventy of the Code of Civil Procedure, relating to what constitutes a judgment roll.

Senate Bill No. 442—An Act to amend "An Act to establish a Penal Code," approved February 14, 1872, relating to the duty and power of a Grand Jury.

Assembly Bill No. 128—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use but not used for the purpose to which it was dedicated.

Senate Bill No. 114—An Act to amend section one thousand nine hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the proof of the contents of instruments by the record and by a certified copy of the record thereof.

Senate Bill No. 437—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as article five, of chapter eleven, of title two, of part three, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Senate Bill No. 245—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to contracts between husband and wife, and regarding the presumptions attending the conveyance of property to a married woman.

Senate Bill No. 328—An Act to prohibit runners, cappers, and solicitors for attorneys at law in and about police courts and prisons in incorporated cities and counties.

Senate Bill No. 427—An Act to amend section one thousand four hundred and one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the law of succession regarding community property upon the death of the wife.

Senate Bill No. 401—An Act to enable persons elected to the office of County Clerk who have failed to take and file the oath of office to take such oath of office, and to extend the time thereof, and to validate the acts of such persons.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending section one thousand eight hundred and sixty-three thereof, relative to the lighting of hotels, lodging houses, and boarding houses by gas.

Senate Bill No. 104—An Act amending section six hundred and sixty of the Civil Code, prescribing what are fixtures.

Senate Bill No. 126—An Act to amend section seven hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salaries of Superior Judges.

Senate Bill No. 165—An Act to add a new section to an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, said section to be numbered two hundred and

nineteen, and to fix a per diem and mileage for and to provide for the payment thereof to witnesses in criminal trials and proceedings in the Superior Courts.

Senate Bill No. 331—An Act to amend section three thousand five hundred and seventy-one of the Political Code, relating to repayments of money paid to the State for State lands.

Senate Bill No. 436—An Act to provide for the appointment of Trustees for certain purposes in unincorporated towns.

Senate Bill No. 446—An Act to prevent the abuse of the process of Courts of justice in this State.

Senate Bill No. 452—An Act relating to the time of commencement of actions for the recovery of real property.

Senate Bill No. 458—An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, amended April 16, 1880, so as to include within the operations of said Act actions for malpractice against physicians and surgeons.

Senate Bill No. 470—An Act relating to the time of commencement of actions for the recovery of real property.

Senate Bill No. 429—An Act to amend an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Senate Bill No. 465—An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the crime of gaming, and the punishment thereof.

Senate Bill No. 125—An Act authorizing the Controller of State to cancel from his General Fund account against the State Treasurer the sum of three thousand three hundred and six dollars and seventy-two cents.

Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

Senate Bill No. 301—An Act to amend sections three and four of an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1874, relating to the care, custody, and guardianship of such children.

Senate Bill No. 333—An Act to amend sections one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two of an Act entitled "The Civil Code of the State of California."

Senate Bill No. 246—An Act to amend, so as to make more specific, the section numbered one thousand three hundred and eighty-eight of the Penal Code of California, relating to the probationary treatment of juvenile offenders.

Senate Bill No. 219—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

Senate Bill No. 360—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand seven hundred and forty-four, to define the duties of County Treasurers relating to moneys deposited by Public Administrators.

Senate Bill No. 359—An Act amendatory and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885.

Senate Bill No. 358—An Act to amend section seven hundred and four of the Penal Code of the State of California, relating to security to keep the peace.

Senate Bill No. 532—An Act to amend an Act to establish a Code of Civil Procedure, approved March 11, 1872, and to add a new section thereto, to be known as section five hundred and sixty, in relation to attachment.

Senate Bill No. 533—An Act to amend an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885.

Senate Bill No. 423—An Act to amend sections two, three, four, five, seven, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, thirty-five, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Senate Bill No. 314—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 502—An Act prescribing the powers, duties, and rights of corporations, companies, associations, or persons furnishing water to any city and county, city, or town, or to inhabitants thereof, and to regulate water rates.

Senate Bill No. 271—An Act to amend section four thousand three hundred and seventy-one of the Political Code of the State of California, relative to taxation for municipal purposes.

Senate Bill No. 493—An Act to amend section one hundred and seventy-one of an Act to establish a uniform system of county and township governments, approved March 14, 1883, relating to salaries of officers in counties of the ninth class.

Senate Bill No. 220—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending section four hundred and ninety-seven thereof, relating to street railroad corporations.

Senate Bill No. 397—An Act to prohibit the issuance of licenses in the several counties and cities and counties in the State of California to persons ineligible to citizenship in the United States.

Mr. McGowan in the chair.

Senate Bill No. 252—An Act to amend sections four hundred and ninety-eight and five hundred and eight of the Civil Code, relating to street railroads.

Senate Bill No. 476—An Act conferring certain additional powers and duties upon city, county, and city and county, and township Assessors.

Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Senate Bill No. 349—An Act to provide for the better protection of life and limb, and to guard against accidents on street and cable roads by the use of safety guards, and to punish negligence.

Senate Bill No. 455—An Act to amend section seven hundred and ninety-two of the Political Code, relating to Notaries Public and their qualifications.

RESOLUTION.

By Mr. Murphy:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of John P. Hughes, for the sum of two hundred and ten dollars (\$210), for constructing Post Office and repairing locks and doors; also, in favor of Bancroft-Whitney Co., for the sum of twenty-four dollars (\$24), for Codes furnished Committee on Judiciary; also, in favor of J. G. Davis, for the sum of twenty-four dollars (\$24), for two walnut tables furnished Senate Chamber; also, in favor of E. Lyon & Co., for the sum of two dollars (\$2), for ice blanket furnished Senate Chamber.

Referred to Committee on Public Buildings other than Prison Buildings.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of George W. Faylor, Sergeant-at-Arms of the Senate, for the sum of five hundred and eighty-eight dollars and fifteen cents (\$588 15), or and on account of mileage and expenses incurred in the procuring of witnesses to attend and appear before the Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also, the following:

SENATE CHAMBER, SACRAMENTO, February 11, 1889.

MR. PRESIDENT: Your Committee on State Hospitals respectfully report the number of miles traveled by each member of said committee during their visit to Napa and Stockton asylums:

Senator Mead, two hundred and eighteen miles	\$21 80
Senator Briceland, two hundred and eighteen miles.....	21 80
Senator Dixon, two hundred and eighteen miles.....	21 80
Senator Bowers, two hundred and eighteen miles	21 80
Senator Roth, one hundred and seventy miles	17 00
Senator Byrnes, two hundred and eighteen miles	21 80
Committee Clerk, two hundred and eighteen miles.....	21 80

Total.....\$147 80

BRICELAND, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

GENERAL FILE—FIRST READING OF BILLS—(RESUMED).

The following bills were read first time, and ordered on file for second reading :

Senate Bill No. 492—An Act to establish a uniform system of fees of office in counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith.

Senate Bill No. 530—An Act to amend section one thousand three hundred and twenty-three of the Penal Code of the State of California, relative to the rights of defendants in cases where the defendant offers himself as a witness.

Senate Bill No. 523—An Act prescribing the penalty for accepting a consideration or compensation for votes, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-three of said Penal Code.

Senate Bill No. 529—An Act to amend section one hundred and seventy of the Code of Civil Procedure, by adding a new subdivision thereto, relating to the disqualifications of Judges.

Senate Bill No. 393—An Act to prevent the mutilation, obliteration, or removal of marks, brands, stamps, or other impressions made or placed upon specific articles of personal property for the purpose of showing that the same have been conditionally sold or leased.

Senate Bill No. 293—An Act to amend section three hundred and three of the Civil Code, relating to the by-laws of corporations.

Senate Bill No. 394—An Act concerning conditional sales, leases, bailments, and other transfers of personal property, and the filing of contracts for the same.

Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Senate Bill No. 531—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relative to peremptory challenges in cases where the offense charged is punishable with death, or with imprisonment in the State Prison for life.

Senate Bill No. 216—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Senate Bill No. 490—An Act to provide for the erection and management of a State Hospital for the Insane, to be located in southern California.

Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Senate Bill No. 344—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium or any preparation thereof.

Senate Bill No. 434—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon.

Senate Bill No. 534—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Printing Office, including the pay of the employés, for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 535—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

Senate Bill No. 536—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building, and furniture, and the purchase of carpets, for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

Senate Bill No. 537—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

Senate Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

Senate Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds, for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 540—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon.

Senate Bill No. 541—An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 542—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 543—An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 544—An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.

Senate Bill No. 545—An Act making an appropriation to pay the deficiency in the appropriation for use of library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 546—An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics, for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Senate Bill No. 547—An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

Senate Bill No. 548—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Supreme Court for the thirty-ninth fiscal year.

Senate Bill No. 549—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.

Senate Bill No. 550—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

Senate Bill No. 551—An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service) for the thirty-eighth fiscal year.

Senate Bill No. 552—An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

Senate Bill No. 553—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

Senate Bill No. 554—An Act making an appropriation to pay the deficiency in the appropriation for support of the insane asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

Senate Bill No. 555—An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

Senate Bill No. 556—An Act making an appropriation for the payment of the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

Senate Bill No. 557—An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Senate Bill No. 558—An Act to provide for the deficiency in the appropriation for repairs of State Capitol building, and furniture, and purchase of carpets, for the fortieth fiscal year.

Senate Bill No. 559—An Act to provide for the deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers for the fortieth fiscal year.

Senate Bill No. 511—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons, and insane persons to the insane asylums," approved March 14, 1885, providing for compensations to Sheriffs for services rendered since the fourteenth day of March, 1885.

Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

Assembly Bill No. 174—An Act to define and regulate the duties and obligations of master and apprentice.

Senate Bill No. 499—An Act to amend section seven of the Civil Code of California.

Senate Bill No. 497—An Act to amend section ten of the Code of Civil Procedure of the State of California.

Senate Bill No. 498—An Act to amend section ten of the Political Code of the State of California.

Assembly Bill No. 213—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Senate Bill No. 449—An Act to amend sections three hundred and seven and three hundred and twelve of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Senate Bill No. 450—An Act to amend section three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

MOTIONS.

On motion of Mr. Caminetti, Senate Bill No. 474—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes,"

approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act—was withdrawn.

On motion of Mr. McGowan, Senate Bill No. 491—An Act to amend section two hundred and forty-five of the Political Code, relating to the officers and employes of the Senate—was withdrawn.

ADJOURNMENT.

At nine o'clock and thirty-five minutes P. M., on motion of Mr. Greely, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 15, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Mr. Goucher granted leave of absence for the day.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

MOTIONS.

Mr. Bowers moved that, until further order, the reading of the Journal be made a special order for immediately after the noon recess.

So ordered.

Mr. Heacock moved that the rules be suspended, in order to allow him to make an amendment thereto.

Mr. Heacock offered the following amendment to the rules:

Amend Rule Three, by adding at the end thereof, the following: "In case of the absence of the President pro tem., any Senator may be chosen by a vote of the majority of the Senators present (a quorum voting), who shall have the same power as the President pro tem. His official title shall be "Acting President."

REPORTS OF STANDING COMMITTEES.

ON FORESTRY AND YOSEMITE VALLEY AND MARIPOSA BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: The Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove respectfully submit the following expense bill to the Senate for mileage and per diem of the following persons, for attendance before said committee on a certain investigation of affairs in Yosemite Valley:

R. Pacheco, 84 miles.....	\$16 80
Edgar Mills, 84 miles.....	16 80
W. H. Mills, 84 miles.....	16 80
I. W. Tabor, 84 miles.....	16 80
M. A. Dorn, 84 miles.....	16 80
Judge Lawler, 84 miles.....	16 80
Judge Maguire, 84 miles.....	16 80
Judge Hunt, 84 miles.....	16 80
Judge Joachimson, 84 miles.....	16 80
E. W. Townsend, 84 miles.....	16 80
A. McCuen, 84 miles.....	16 80
George Fiske, 84 miles.....	16 80
I. N. Choyinski, 84 miles.....	16 80
J. M. Griffith, 478 miles.....	95 60
G. W. Coulter, 154 miles.....	30 80
Per diem, 5 days.....	10 00
Galen Clark, 175 miles.....	35 00
Per diem, 16 days.....	32 00
Elizabeth Glynn, 175 miles.....	35 00
Per diem, 16 days.....	32 00
Jas. McCauley, 175 miles.....	35 00
Per diem, 16 days.....	32 00
A. D. Cavanaro, 175 miles.....	35 00
Per diem, 16 days.....	32 00
John Conway, 175 miles.....	35 00
Per diem, 5 days.....	10 00
Jas. Grant, 175 miles.....	35 00
Esther Harris, 83 miles.....	16 60
Per diem, 5 days.....	10 00
G. S. Ladd, 48 miles.....	9 60
J. K. Bernard, 114 miles.....	22 80
Per diem, 5 days.....	10 00
Albert Snow, 130 miles.....	26 00
Per diem, 5 days.....	10 00
Charles Anderson, 135 miles.....	27 00
Per diem, 9 days.....	18 00
C. H. Culbertson, 122 miles.....	24 40
Per diem, 8 days.....	16 00
J. P. Jackson, 121 miles.....	24 20
J. S. Sperry, 106 miles.....	21 20
Per diem, 5 days.....	10 00
Robert Cosner, 80 miles.....	16 00
Per diem, 5 days.....	10 00
George Kenney, 144 miles.....	28 80
Per diem, 7 days.....	14 00
Total	\$1,017 40

MEANY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 74—An Act to amend section two thousand six hundred and fifty-three of the Political Code of the State of California, relating to public highways—have had the same under consideration, and respectfully report the same back, without recommendation.

ROTH, Chairman.

ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 561—An Act to aid, assist, and encourage the exhibition of the products of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DIXON, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 194, 107, 2, 255, 51, and 305.

DIXON, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred Senate Bill No. 35—An Act regulating the form of requisitions for stationery made by the members of the Legislature and the officers and employes thereof, upon the Secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MURPHY, Chairman.

ON PUBLIC PRINTING.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred the following Senate Bill No. 57—entitled an Act to amend "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

McDONALD, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 14, 1889. }*To the Senate of the State of California:*

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 65—An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 10—Relative to Rebellion war claims of this State.

ED. E. LEAKE, Chief Clerk.

Referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Moffitt: Senate Bill No. 590—An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Referred to Committee on Finance.

By Mr. Roth (by request): Senate Bill No. 591—An Act to amend section four hundred and twenty-five of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers and the payment of their salaries.

Referred to Committee on Public Buildings other than Prison Buildings.

Also (by request). Senate Bill No. 592—An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

Referred to Committee on Public Buildings other than Prison Buildings.

By Judiciary Committee: Senate Bill No. 593—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and twenty-five and one half, relating to offenses committed on public property of the State.

On file.

By Mr. Dray: Senate Bill No. 594—An Act to amend section two thousand three hundred and forty-nine of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the navigable waters of this State.

Referred to Committee on Harbors, Rivers, and Coast Defenses.

By Mr. Preston (by request): Senate Bill No. 595—An Act making an appropriation for the arrangement and protection of the State mineral cabinet, under direction of the Trustees thereof.

Referred to Committee on Mines and Mining.

By Mr. Bowers: Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the applications for purchase of such sections.

Referred to Committee on Public, Swamp, and Overflowed Lands.

Also, Senate Bill No. 597—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

Referred to Committee on Judiciary.

By Mr. Murphy: Senate Bill No. 598—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Referred to Committee on Hospitals.

WITHDRAWAL OF BILL.

Mr. Dray withdrew Senate Bill No. 175.

Upon motion of Mr. Dray, Assembly Bill No. 159 was substituted for Senate Bill No. 175, and read for the first time.

FIRST READING OF BILL.

Assembly Bill No. 159—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 119—An Act to amend the Political Code of the State of California, by adding thereto a new section in relation to reassessment of property in cases where a former assessment is invalid—have had the same under consideration, and respectfully report the same back, with the recommendation that the original bill do not pass, but in place thereof, the substitute offered is reported as follows: Three members of the committee being absent, four of the committee, consisting of Messrs. Caminetti, Heacock, McGowan, and White, recommend that the substitute herewith reported do pass; and four members of the committee, consisting of Messrs. Jones, Sprague, Yell, and Wilson, recommend that the substitute do not pass; the members of said committee absent being Messrs. Goucher, Crandall, and Moffitt.

In the matter of the resolution of the Senate: That the Committee on Judiciary inquire into and report on the matter of indebtedness of certain Senators for stationery, it is the opinion of the Committee on Judiciary that each member should pay to the Secre-

tary of the Senate the amount shown by the Secretary of State to be the value of the stationery delivered by the Secretary of State to said Senator, and that upon receiving such sums, the Secretary of the Senate be instructed to deliver the same to the Secretary of State, and take his receipt therefor.

Also, Senate Bill No. 577—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State.

Also, Senate Bill No. 575—An Act making an appropriation for the salary of the bookkeeper of the State Treasurer, for the fortieth fiscal year.

Respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 155—An Act to amend section three hundred and sixty-one of an Act entitled "An Act to establish a Civil Code," in relation to the consolidation of corporations—and respectfully recommend that the substitute do pass.

Also, Assembly Bill No. 208—An Act making it a misdemeanor to advertise offering a divorce or to aid therein.

Also, Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to the assessment of damages where the right of eminent domain is exercised.

Respectfully report the same back, and recommend that they do pass.

Also, Assembly Bill No. 39—An Act to regulate practice in certain cases—said Act amends section four hundred and eight of the Code of Civil Procedure.

Also, Assembly Bill No. 292—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 4, 1872.

Also, Assembly Bill No. 192—An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Respectfully report the same back, and recommend that they do pass, as amended.

Also, that Assembly Bill No. 168 be substituted for Senate Bill No. 461, and that Senate Bill No. 461 be withdrawn, and that Assembly Bill No. 168—An Act to amend section one thousand one hundred and eighty-one of the Civil Code of California—do pass.

Senators Heacock and White were appointed a subcommittee to inquire into the matter of the Governor's message regarding the appointment or election of the Trustees of the State Library, and report thereon.

JONES, Chairman.

WITHDRAWAL OF BILL.

Mr. Heacock withdrew Senate Bill No. 461.

Upon motion of Mr. Heacock, Assembly Bill No. 168 was substituted for Senate Bill No. 461, and read for the first time.

FIRST READING OF BILL.

Assembly Bill No. 168—An Act to amend section one thousand one hundred and eighty-one of the Civil Code of California.

MOTION.

Mr. Heacock moved that five hundred copies of substitute be printed.
So ordered.

WITHDRAWAL OF BILL.

Mr. Jones withdrew Senate Bill No. 300, and upon his motion Senate Bill No. 210 was substituted therefor on file.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.
Passed on file.

Senate Constitutional Amendment No. 5—Constitutional Amendment.—The Legislature of the State of California, at its twenty-eighth session, commencing on the first Monday after the first day of January, A. D.

1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, propose that sections two and three of article six of the Constitution of the State of California be amended so as to read as follows.

Adopted by the following vote :

AYES—Messrs. Banks, Briceland, Britt, Brynes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Williams, Wilson, and Yell—32.

NOES—Messrs. Crandall, Welch, and White—3.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 13—An Act to propose to the people of the State of California an amendment to the Constitution of the State of California.

The amendment was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Brynes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—34.

NOES—Messrs. Campbell, Crandall, and Pinder—3.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

Amended in committee as follows :

In line six of printed bill strike out the words "one Assistant Journal Clerk."

Adopted.

In line seven, after the word "Clerk" and before the word "one," insert the words "one Assistant Engrossing Clerk."

Adopted.

In line eight, strike out the word "three," between the word "Porters" and the word "Pages," and insert in lieu thereof the word "five."

Adopted.

In line eleven, after the words "Minute Clerk" insert the words "one Assistant Minute Clerk;" after the words "Journal Clerk" strike out the word "one Assistant Journal Clerk."

Adopted.

In line twelve, after the word "Engrossing Clerk," insert the words "one Assistant Engrossing Clerk."

Adopted.

In line fourteen, strike out the word four, between the word "Porters" and the word "Pages," and insert the word "six."

Mr. Heacock moved that Senate Constitutional Amendment No. 3, as amended, be printed.

So ordered.

Senate Constitutional Amendment No. 4—Constitutional Amendment to propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trust.

Passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 194—An Act to provide for a permanent site for the "California Home for the Care and Training of Feeble-Minded Children," and to erect suitable buildings thereon.

Passed on file.

Mr. Yell withdrew his notice of reconsideration of Senate Bill No. 357, whereby it was passed by the Senate.

SPECIAL ORDER.

Consideration of report of Committee on Elections.

MOTION.

Mr. Caminetti moved to make the subject-matter the special order for Monday, at three o'clock P. M.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

No Senators being absent excepting those on leave of absence, further proceedings under the call were therefore dispensed with.

MOTION.

Mr. Wilson moved to amend Mr. Caminetti's motion by making the special order under consideration the special order for this afternoon, at four o'clock.

Upon roll call, the same was adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, White, and Wilson—31.

NOES—Messrs. Britt, Mead, Murphy, Pinder, Sprague, Welch, Williams, and Yell—8.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 210—An Act to amend section three thousand and sixty-two of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, DeLong, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Title read and approved.

Assembly Bill No. 216—An Act to amend section three hundred and seventy-seven of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies and preservation of the public health.

Mr. Bowers moved that it be referred to a committee of one, to consist of Mr. Briceland, to amend the engrossed bill by inserting an enacting clause.

So ordered.

Committee reported the amendment made, as authorized.

Report adopted.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, and Yell—32.
 NOES—None.

Title read and approved.

Assembly Bill No. 234—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and one half, to protect the registration of thoroughbred cattle and other domestic animals.

Passed on file.

Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberg, for mechanics' tools and property destroyed by the Branch State Prison at Folsom.

RECESS.

Pending consideration of the bill, the Senate took the usual noon recess.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 189—An Act authorizing the issuing of bonds to build State armories—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

YELL, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 66 and 59.

HAMILL, Chairman.

SPECIAL ORDER.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Metcowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Messrs. Roth and Meany at the bar of the Senate.

Mr. Greely moved to excuse the Senators.

So ordered.

The Sergeant-at-Arms reported Mr. Boggs before the bar of the Senate.

Mr. Langford moved to excuse Mr. Boggs.

So ordered.

The proceedings under the call of the Senate were dispensed with.

Mr. Bowers in the chair.

RECONSIDERATION OF VOTE.

Mr. Wilson called up his motion previously made to reconsider the vote whereby the Senate refused the passage of Senate Bill No. 280.

Upon the reconsideration, the roll was called with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Jones, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Crandall, Heacock, Hinshaw, and Meany—4.

MOTION.

Mr. White moved to recommit Senate Bill No. 280 to a select committee, consisting of Mr. Wilson, to eliminate therefrom the figures "\$5,245 85," in sections one and two, and insert "\$4,245 85," and also to add in section one the words "the amount herein appropriated to be in full for all claims of E. M. Gallagher against the State for work on the Napa Insane Asylum."

So ordered.

REPORT OF SELECT COMMITTEE.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your select committee to whom was referred Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher, for painting and glazing

the Napa State Asylum for the Insane, which work was performed in said asylum under written contract—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

WILSON, Select Committee.

THIRD READING OF BILLS.

Senate Bill No. 194—An Act to provide for a permanent site for the "California Home for the Care and Training of Feeble-Minded Children," and to erect suitable buildings thereon.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hearcock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—34

NOES—Messrs. Bowers, Briceland, and Campbell—3.

Title amended by Mr. Murphy, as follows:

Strike out of title, in line three, the word "and," also after the word "thereon" add the words "and making an appropriation therefor."

Adopted.

Title, as amended, read and approved.

Mr. Bowers explained his vote as follows:

While I am willing to vote for any reasonable appropriation for the support of homes for feeble-minded children, this bill, it seems to me, makes an unnecessary appropriation of one hundred thousand dollars.

SPECIAL ORDER.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Amended in committee as follows:

Strike out on line three, section three, page two, of printed bill, the words "shall superintend all permanent improvements on State Capitol buildings and grounds, etc."

Adopted.

Mr. White in the chair.

Mr. Wilson moved to strike out all of section eleven.

Adopted.

Mr. Wilson moved to strike out the figures "12," in section twelve, and insert the figures "11" in lieu thereof.

Title amended, as follows: Add the words "and salaries" to the title.

Mr. Murphy offered a substitute for Senate Bill No. 188, and upon his motion the bill, as amended, and the substitute, were ordered printed and made a special order for Monday, at three o'clock P. M.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, McComas, McDonald, Meany, Moffitt, Murphy, Preston, Sprague, White, Williams, Wilson, and Yell—30.

NOES—Messrs. Hinshaw, Langford, and Roth—3.

Title read and approved.

Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, McComas, McDonald, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—31.

NOES—Messrs. Hinshaw and Langford—2.

Title read and approved.

PREVIOUS QUESTION.

The question recurring upon Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberger for mechanics' tools and property destroyed by the Branch State Prison at Folsom—same was passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Roth, Sprague, White, Williams, Wilson, and Yell—30.

NOES—Mr. Preston—1.

Title read and approved.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 255—An Act to amend section six hundred and thirty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, White, Wilson, and Yell—29.

NOES—Mr. Conklin—1.

Title read and approved.

Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—34.

NOES—Mr. Yell—1.

Title read and approved.

Assembly Bill No. 234—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven and one half, to protect the registration of thoroughbred cattle and other domestic animals.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.

NOES—None.

Title read and approved.

MOTION.

Mr. Moffitt moved to take up Senate Bill No. 48 (No. 77 on file), and read the same a second time.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant Company F, Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, series 1880.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 402—An Act to establish a State Reform School, and to provide for the maintenance and management of the same.

Mr. Wilson offered the following substitute for section one :

SECTION 1. There shall be established adjacent to the town of Folsom, in the County of Sacramento, at a place hereby designated as "Preston," an educational institution to be designated "The Preston School of Industry."

CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Preston moved that further proceedings under the call be dispensed with.

So ordered.

PREVIOUS QUESTION.

The question recurring upon the adoption of the substitute.
The roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Byrnes, Dray, Flint, Hamill, Heacock, McDonald, Preston, and Wilson—10.

NOES—Messrs. Banks, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—28.

Mr. Heacock offered the following as a substitute for section one, and moved its adoption:

SECTION 1. The Governor is hereby authorized to appoint one person from each Congressional District in the State who, with the Governor, shall constitute a Board of Commissioners to select a site for a "State Reform School." Such Board of Commissioners shall, at as early a day as practicable, cause a notice to be published in such newspaper published in each of the cities of San Francisco, Los Angeles, and Sacramento, as they may select, and for such time as they may determine, asking for proposals for such site. No proposal shall be accepted which does not embrace at least one hundred and sixty acres of arable land. In making the selection, climate, accessibility, drainage, fertility of soil, water supply, and relative cost, shall be considered. The Board may reject any and all proposals, and proceed to select such other site as they may deem best. The members of the Board shall be allowed all necessary expenses while attending to their duties, but shall not receive any other or further compensation for their services. Two thousand five hundred dollars is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to pay the expenses of said Board, and the Controller is hereby authorized to draw his warrant in favor of the members of said Board, for such sum or sums as may be certified by said Board to be due them, respectively, for such expenses.

The same was lost by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Byrnes, Campbell, Conklin, Heacock, Meany, Preston, White, and Wilson—11.

NOES—Messrs. Bowers, Britt, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Yell—26.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Caminetti was reported at the bar of the Senate in custody of the Sergeant-at-Arms.

Upon motion of Mr. McGowan, he was excused.

Further proceedings under the call of the Senate were dispensed with.

RESOLUTIONS.

Mr. Williams offered the following resolution and moved its adoption.

Resolved, That it is the judgment of the Senate that J. J. Sullivan, the contestant for a seat in this body as Senator from the Twenty-first Senatorial District of California, is legally entitled to his seat in this Senate, in the place and stead of W. O. Banks, now holding the same; and be it further

Resolved, That the said J. J. Sullivan be sworn in as such Senator from said district of California.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Dixon, Hamill, Langford, McDonald, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—14.

NOES—Messrs. Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, and Wilson—24.

MOTION.

Mr. Yell moved that the contest of J. J. Sullivan vs. W. O. Banks be dismissed.

Roll call was demanded by Messrs. Murphy, McDonald, and Williams, with the following result:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—36.

NOES—Messrs. Pinder and Williams—2.

The judgment of the Senate being that the election contest of J. J. Sullivan vs. W. O. Banks for a seat in the Senate of this State is hereby dismissed.

RESOLUTION.

Mr. Wilson offered the following resolution, and moved its adoption.

Resolved, That the election contest case of Harding vs. Sprague be and the same is hereby dismissed, and that F. S. Sprague be and he is hereby declared to be the duly elected and qualified member of this Senate from the Ninth Senatorial District of the State of California.

Mr. Yell offered the following as a substitute:

Resolved, That it is the judgment of the Senate that G. P. Harding, the contestant for a seat in this body as Senator from the Ninth Senatorial District of California, is legally entitled to his seat in this Senate in the place and stead of F. S. Sprague, now holding the same; and be it further

Resolved, That the said G. P. Harding be sworn in as such Senator from said district of California.

The roll was called upon the question of the adoption of the substitute, and the same was lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Hinshaw, Langford, McDonald, Murphy, Williams, and Yell—9.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, and Wilson—29.

EXPLANATION OF VOTE.

Mr. Yell explained his vote as follows:

I vote aye in the election contest of Harding versus Sprague for the reason that it is a question of law. Under the Constitution of this State, as set forth in article two, section four, of the Constitution of the State of California, the vote of the inmates of the Soldiers' Home at Yountville, by which it is agreed this case must stand or fall, were cast illegally. They had no right to vote at said precinct unless they were residents of such precinct, and under the facts set forth in the stipulation in the case, and the law in the premises, I do not think they were legal residents for the purpose of voting, and had no right to vote. I, therefore, vote "aye."

RESOLUTION ADOPTED.

The resolution of Mr. Wilson was then adopted, and the Chair announced the contest of Harding vs. Sprague dismissed.

SENATE BILL No. 402 (RESUMED).

Mr. Preston offered the following as a substitute to Senate Bill No. 402 :

An Act to establish a State School of Industry, to provide for the maintenance and management, and to make an appropriation therefor.

Mr. Crandall moved to amend section two by making the sum one hundred thousand dollars.

CALL OF THE SENATE.

Mr. Preston moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names :

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Messrs. Greely and Hamill at the bar of the Senate.

It was moved and seconded that the Senators be excused.

So ordered.

Further proceedings under the call were dispensed with.

WITHDRAWAL OF AMENDMENT.

Mr. Crandall withdrew his amendment to section one.

MOTION.

Mr. Caminetti moved to amend by striking out of section one, line two, the word "State," and inserting instead the word "Preston."

Adopted.

Substitute, as amended, ordered engrossed and to a third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 421—An Act to provide for the appointment of pilots and defining their duties and compensation at the Port of Wilmington and Bay of San Pedro—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 483—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to rates of pilotage—have had the same under consideration, and respectfully report the same back without recommendation.

SPELLACY, Chairman.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 375—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

YELL, Chairman.

MOTION.

Mr. Jones moved that the Committee on Investigation, appointed to investigate the State Normal School at Chico, be empowered to employ a stenographer.

So ordered.

RESOLUTIONS.

Mr. Yell offered the following resolution, which was referred to the Committee on Attachés, Contingent Expenses, and Mileage:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of thirty-three dollars (\$33), in favor of A. Yell, Chairman of the Joint Committee on Memorial Exercises, being a deficiency of the Senate's portion of the expenses of the memorial services in respect to the memory of the late Governor Washington Bartlett, held on February 6, 1889.

Mr. McComas introduced the following resolution, which was referred to Committee on Attachés, Contingent Expenses, and Mileage, without being read:

Resolved, That a weekly history of all Senate Bills introduced be prepared, and that said history show the status, standing, and position of each Senate Bill at the issuance of such history; that a printed copy thereof be placed upon each member's desk every Monday during the session of the Legislature; that Mrs. J. V. David be and she is hereby appointed the clerk to so prepare such history and perform the duties required by this resolution, at the same per diem as is paid the Assistant Journal Clerk, said per diem being payable out of the appropriation for the contingent expenses of the Senate.

RECESS.

Upon motion of Mr. Dargie, the Senate took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSES. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Sprague, White, Williams, Wilson, and Yell.

Quorum present.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Passed on file.

Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents, to pay the salary of the Commissioner of Immigration from October 10, 1885, to January 1, 1889.

Passed on file.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Passed on file.

Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Committee amended as follows :

Add to section three, after the word "Home," in the twelfth line of the last section, the following: "All money received by the Home for the support and care of resident and non-resident persons shall be paid into the State Treasury and placed to the credit of the Home, and shall be drawn therefrom by the Trustees only, for the maintenance of the inmates of the Home. All money received from the sale of live stock, or products of the Home, shall be placed in a special fund by the State Controller for the use of the inmates of the Home, and may be drawn therefrom only on requisition of the Board of Trustees. No money in the special fund created by this Act shall be transferred to any other fund as long as the Home exists as an institution of the State."

Adopted.

Read second time, ordered engrossed and to a third reading.

RESOLUTION.

By Mr. Meany:

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of one hundred and fifty-three dollars for reporting and transcribing testimony taken before the Committee on Claims, and the Controller is hereby directed to draw his warrant for said sum, to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

Resolved, That P. R. Gallison be and he is hereby allowed the sum of one hundred and forty dollars, for services rendered the Sergeant-at-Arms of the Senate in subpoenaing witnesses in the matter of the investigation pending before the Senate standing Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove, and the Controller of State is hereby directed to draw his warrant for said amount in favor P. R. Gallison out of the Contingent Expense Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

Resolved, That the Controller be and he hereby is directed to draw his warrant on the Contingent Fund of the Senate in favor A. H. Washburn for the sum of one hundred dollars, being for bringing four persons from the Yosemite Valley to Raymonds, and back, as per voucher attached signed by Hon. A. J. Meany, Chairman of the Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, the services having been ordered by said committee.

Senate of California to A. H. Washburn:

To services of team bringing four persons from Yosemite Valley to Raymonds, and return, \$100.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF COMMITTEE ON FORESTRY AND YOSEMITE VALLEY AND MARIPOSA GROVE OF BIG TREES.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Forestry and Yosemite Valley and Mariposa Grove of Big Trees report that they have visited the new forest station at Merced, and the following members of the committee are entitled to mileage, viz.: Messrs. Roth, Hamill, Fraser, and Meany, and we recommend the adoption of the following resolution, viz.:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Expense Fund of the Senate in favor of Senator Meany, the Chairman of the Committee on Forestry and Yosemite Valley and Mariposa Grove of Big Trees, for the sum of one hundred and twelve dollars, being the sum of twenty-eight dollars for each member of the committee who attended.

MEANY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
Journal of yesterday approved.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 23—An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

Bill read second time, ordered engrossed and to a third reading.

MOTION.

Mr. Wilson moved to substitute Assembly Bill No. 144 for Senate Bill No. 13.

So ordered.

Senate Bill No. 13 withdrawn.

FIRST READING OF BILL.

Assembly Bill No. 144—An Act to amend section four hundred and forty-seven of the Civil Code of the State of California, relating to the valuation of policies of life insurance.

Read first time, and placed on file in place of Senate Bill No. 13.

MOTION.

Mr. Greely moved that when an Assembly Bill is reported to the Senate as having passed the Assembly, the bill being identical with a Senate Bill of the same order, the Senate Bill will be withdrawn and the Assembly Bill allowed to take its place.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 340—An Act entitled "An Act to amend section three hundred and eighty-five of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.

Ordered engrossed and to a third reading.

Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities and towns, and to the inhabitants thereof.

Committee amendments:

Insert after the word "consumer" in line three, section three, printed bill, the words "when the water is measured or weighed."

Adopted.

Also, strike out the word "five" in line eight, section three of printed bill, and insert the word "one."

Lost.

Also, strike out section four of the printed bill.

Adopted.

Mr. Hamill moved to amend committee's amendment, as follows:

In line two, section one, after the words "city, city and county, or town," insert the words "or to the inhabitants thereof."

Adopted.

Also, a substitute to committee's amendment.

In line twelve, section two, after the words "not oftener than" add the words "once in every three calendar months."

Adopted.

Mr. Hamill moved to amend title so as to read:

An Act to provide for accurate meters, or other instruments or devices used to measure or weigh the water sold, rented, or supplied to cities and counties, cities and towns, or to the inhabitants thereof, to regulate the furnishing and use of such meters or other instruments or devices, and to provide a penalty for violation of this Act.

Adopted.

Senate Bill No. 148 read second time, ordered engrossed and to a third reading.

Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund. Unavailable."

Bill ordered engrossed and to a third reading.

Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Passed on file.

Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Read second time, ordered engrossed and to a third reading.

MOTION.

Mr. Moffitt moved to allow Senate Bill No. 390 (No. 157 on file) to be substituted for Senate Bill No. 123 (No. 25 on file).

So ordered.

Senate Bill No. 123 withdrawn by the author.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 390—An Act providing for the appointment of a commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Committee amendment:

Amend section four by striking out the words "ten thousand," in line one, printed bill, and inserting in place thereof the words "seven thousand five hundred."

Adopted.

Senate Bill No. 390 read second time, ordered engrossed and to a third reading.

MOTION.

Mr. Murphy moved to rescind order relative to Senate Bill No. 193: that is, ordering engrossed and to a third reading.

So ordered.

In Senate Bill No. 193 an amendment to the committee amendment was made by Mr. Murphy, as follows:

Amend section three, line seven, after the word "for," in original bill, by inserting "all money received by the Home for the support and care of resident and non-resident persons shall be paid into the Treasury of the Home, and shall be drawn therefrom by the Trustees only, for the maintenance of the inmates of the Home. All money received from the sale of live stock, or products of the Home, shall be placed in a special fund by the State Controller for the use of the inmates of the Home, and may be drawn therefrom only on requisition of the Board of Trustees. No money in the special fund created by this Act shall be transferred to any other fund as long as the Home exists as an institution of the State.

Adopted.

Senate Bill No. 193, so amended, ordered engrossed and to a third reading.

Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

Committee amended as follows:

Add after the word "districts," in line four, paragraph one, the words "*provided, no Road Overseer shall be interested, directly or indirectly, in any contract or work to be done in the road district under his charge and control.*"

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Passed on file.

Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Bill ordered reprinted.

Original bill read second time, ordered engrossed and to a third reading.

Senate Bill No. 300—An Act to appropriate money for the payment of the salary of an additional clerk in the office of the Register State Land Office, and the salary of a recording clerk in the office of the Secretary of State, for the fortieth fiscal year.

Withdrawn by Mr. Jones.

Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Amendment by Mr. Jones, as follows:

Amend section two by adding thereto the following: "*provided*, that no vested accrued water right, water ditches, dams, canals, or water privileges for mining, irrigation, or other useful purposes shall be condemned or in any manner injured or diminished for the purposes of this Act."

Adopted.

Senate Bill No. 210 read second time, ordered engrossed and to a third reading.

Mr. Dargie moved to withdraw Senate Bill No. 262 (No. 52 on file), and substitute in lieu thereof Senate Bill No. 22 (No. 11 on file).

So ordered.

Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 32 withdrawn by the author, and Assembly Bill No. 145 (No. 150 on file) substituted in lieu thereof.

Assembly Bill No. 145—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 97 withdrawn by the author, and Senate Bill No. 456 (No. 240 on file) substituted in lieu thereof.

Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Read second time, ordered engrossed and to third reading.

MOTION.

Mr. Moffitt moved that Assembly Bill No. 128 (No. 199 on file) be taken up out of order and read a second time.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Boggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Hearcock, Jones, McComas, Mead, Moffitt, Murphy, Pinder, Preston, Sprague, Williams, and Wilson—25.

NOES—Messrs. Hinshaw, McDonald, McGowan, Spellacy, Welch, White, and Yell—7.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 128—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property ded-

icated to the public use but not used for the purpose to which it was dedicated.

Mr. Heacock moved to amend by inserting between the words "have" and "held" the word "been."

Adopted.

Read second time, ordered engrossed and to a third reading.

RESOLUTION.

By Mr. Preston:

Resolved, That when the Senate adjourns it do so until Monday, February 17, 1889, at one o'clock and thirty minutes p. m.

Lost.

MOTIONS.

Mr. Dray moved to adjourn.

Roll call demanded.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Banks, Bowers, Conklin, Crandall, Dray, Greely, Jones, McComas, McDonald, Preston, and Wilson—11.

NOES—Messrs. Boggs, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Hamill, Heacock, Hinshaw, McGowan, Mead, Moffitt, Pinder, Sprague, Welch, White, Williams, and Yell—19.

Mr. Pinder moved that the Committee on Fish and Game be allowed leave of absence till Monday next, at two o'clock p. m.

Objection being made, Mr. Pinder withdrew the motion.

Mr. Murphy renewed the motion.

Mr. Dray moved that it be amended by making the leave of absence date from to-morrow, at two o'clock p. m.

Carried.

Motion carried, as amended.

Mr. McDonald moved that when the Senate adjourn it be till Monday next, at two o'clock p. m.

Roll call demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Britt, Dargie, Hamill, Jones, McDonald, and Welch—7.

NOES—Messrs. Banks, Bowers, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—27.

Mr. Jones moved that the Senate adjourn.

Roll call demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Caminetti, Conklin, Greely, Hinshaw, Jones, McComas, Mead, Moffitt, Pinder, Preston, and Wilson—15.

NOES—Messrs. Britt, Dargie, De Long, Dixon, Dray, Flint, Hamill, Heacock, Langford, McDonald, McGowan, Murphy, Spellacy, Sprague, Welch, White, Williams, and Yell—18.

Mr. Jones moved a call of the Senate.

Lost.

RESOLUTION.

By Mr. Hamill:

Resolved, That every Senator now on the floor of this Senate shall have the privilege of taking up out of order any bill which he wishes, and have the same read for the second time; the roll to be called, and the Senator, as his name is called, to express his preference to the bill which he desires to have read.

Mr. Yell moved, as an amendment, to begin at the lower end of the roll.

ADJOURNMENT.

Mr. Jones moved that the Senate adjourn.

Carried.

Whereupon, at nine o'clock and fifty minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, February 16, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Dargie, De Long, Dixon, Dray, Greely, Heacock, Jones, McDonald, McGowan, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

LEAVE OF ABSENCE.

Mr. Goucher was granted leave of absence on account of sickness.

Mr. Wilson was granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Finance respectfully report to this Senate two bills, entitled, respectively, "An Act to authorize the Trustees of the State Normal School to construct a sidewalk," and "An Act making an appropriation to pay the deficiency for furnishing the buildings of the California Hospital for Chronic Insane."

The committee has had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Committee on Finance: Senate Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of the California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year.

On file.

Also, Senate Bill No. 600—An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the ground of the State Normal School, located in the City of San José, California, and to appropriate money therefor.

On file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Concurrent Resolution No. 15—Relative to an investigation of the mining debris question of the State of California—have had the same under consideration, and respectfully report the same back, and recommend its adoption.

MEAD, Chairman.

Senate Concurrent Resolution No. 15:

WHEREAS, The Congress of the United States, in accordance with the prayer of a joint resolution of the Legislature of the State of California, adopted March 10, 1887, in relation to an investigation of the mining debris question and an examination and survey of the river channels of the State, has enacted a law providing for such investigation and examination, and appointing a Commission of Government Engineers, with power to carry out its provisions; whereas, said Commission is now in this State, engaged in the performance of the duties imposed upon it by said law; whereas, there are in the several departments of the State Government, and particularly in those of the Surveyor-General and State Engineer, valuable data, consisting of surveys, maps, and reports, which may be of service to said Commission in the conduct of said investigation; therefore, be it

Resolved, That all officers of this State be and they are hereby instructed and requested to furnish such information and data in the possession of their respective departments as may be required by said Commission; be it further

Resolved, That a certified copy of this resolution be sent to each of said officers, and to said Commission.

Adopted.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 1—Relative to the election of United States Senator—have had the same under consideration, and the majority recommend that it be adopted.

BRITT, Chairman.

By Mr. Renison: Assembly Joint Resolution No. 1—Relative to the election of United States Senator:

Resolved by the Assembly of the State of California, the Senate concurring, That our Senators and Representatives in Congress be and they are hereby requested to propose an amendment to the Constitution of the United States, to be submitted to the Legislature of the several States for ratification, providing for the election of United States Senators from the several States by the direct vote of the citizens thereof, instead of by the Legislature.

Resolved, That his Excellency the Governor of the State of California be requested to send a copy of this resolution to each of our Senators and Representatives in Congress and Congressmen and Senators elect.

Made special order for Wednesday, at four o'clock P. M.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 6—Relative to establishing a government arsenal and gun factory—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BRITT, Chairman.

By Mr. Salomon: Assembly Concurrent Resolution No. 6:

WHEREAS, The growing importance of the States and Territories of the Pacific Coast demands the greatest consideration for the protection of their cities and towns against invasion and attack in case of war; and whereas, the reported complications with foreign powers growing out of affairs at Samoa point to the necessity of adopting means and measures for the better protection and defense of our coast; and whereas, the great distance from the places of manufacture of heavy ordnance, material of war, and naval armaments makes the transportation of such ordnance, material of war, and naval armaments to this coast both difficult and expensive; and whereas, this coast offers many

advantages for the manufacture of such ordnance, material of war, and naval armaments; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use every effort to secure an appropriation for the purpose of establishing a government arsenal and gun factory for the manufacture of heavy ordnance and material of war at some eligible point in this State.

Resolved, That his Excellency the Governor be requested to immediately forward to each of our Senators and Representatives a copy of these resolutions.

Adopted.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 7—Relative to the system of postal service—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BRITT, Chairman.

By Mr. Coombs: Assembly Concurrent Resolution No. 7—Relative to the system of postal service:

WHEREAS, The system of postal service was established and is maintained for the accommodation of the public, and not intended to be a source of revenue for the Government; and whereas, it would be a source of good to the poor of the country to have the present price upon postal service reduced; now, therefore, be it

Resolved by the Assembly of California, the Senate concurring, That our Representatives in Congress be requested and our Senators instructed to use their endeavors to have the present system of postal service changed in such a way as to reduce the price of postal stamps, and in a way to inure to the benefit and accommodation of the poor of this country in transmitting messages and documents under the care and management of the postal service of the United States.

Adopted.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 178—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 523—An Act prescribing the penalty for accepting a consideration or compensation for votes, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-three of said Penal Code.

Also, Substitute for Senate Bill No. 475—An Act to amend section three hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of the civil executive officers.

And respectfully report the same back, with the recommendation that they do pass.

Also, Senate Bill No. 408—An Act to amend sections one hundred and twenty-four, one hundred and twenty-five, and one hundred and twenty-six of an Act entitled "An Act to establish a uniform system of township and county governments," approved March 14, 1883, relating to the duties of County Recorders, and the books and records to be kept by such Recorder, and providing for a systematic classification of the records and documents in the custody of such Recorder.

Also, Senate Bill No. 395—An Act to regulate the manufacture of canned goods, to provide for the inspection of the same, and compel the stamping thereon of the place and date of canning, and to provide a penalty.

Also, Senate Bill No. 495—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages.

Also, Senate Bill No. 500—An Act providing for the seizure, confiscation, and sale of real and personal property of persons discovered residing within the State of California in violation of the provisions of the Act of Congress known as the Scott Exclusion Act.

And respectfully report the same back to the Senate, without recommendation.

Also, Senate Bill No. 130—An Act to add a section to the Political Code, to be known as section three thousand eight hundred and ninety-nine *a*, providing for a reassessment whenever from any cause any tax or assessment shall be declared invalid or void—and respectfully report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 504—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887—and respectfully report the same back to the Senate, with the recommendation that it be referred to the Committee on Counties, County Government, and Township Organization.

Also, Senator Dray's resolution, which reads as follows, to wit:

Resolved, That the Committee on Judiciary of the Senate is requested to examine and report whether any further legislation is necessary on the part of the State of California to the United States Government in the matter of Post Office and other public building sites necessary for the use of said Government, and if they find that more legislation is necessary, to report a bill for that purpose.

Have had the same under consideration, and respectfully report that we have examined the subject in said resolution contained, and on said examination find that no further legislation is necessary thereon.

Upon motion of Mr. Jones, the resolution was adopted.

Also, Senate Bill No. 588—An Act to amend "An Act to protect public health from infections caused by exudations and removal of remains of deceased persons," approved April 1, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 486—An Act defining a day's labor on all public work in the State of California, and equalize the remuneration therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

BRITT, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Forestry, and Yosemite Valley, and Mariposa Big Tree Grove respectfully submit the following expense bill to the Senate for mileage and per diem of the following persons, for attendance before said committee on a certain investigation of affairs in Yosemite Valley:

R. Pacheco, 84 miles.....	\$16 80
Edgar Mills, 84 miles.....	16 80
W. H. Mills, 84 miles.....	16 80
L. W. Tabor, 84 miles.....	16 80
M. A. Dorn, 84 miles.....	16 80
Judge Lawler, 84 miles.....	16 80
Judge Maguire, 84 miles.....	16 80
Judge Hunt, 84 miles.....	16 80
Judge Joachimson, 84 miles.....	16 80
E. W. Townsend, 84 miles.....	16 80
A. McCuen, 84 miles.....	16 80
George Fiske, 84 miles.....	16 80
I. N. Choyinski, 84 miles.....	16 80
J. M. Griffith, 478 miles.....	95 60
G. W. Coulter, 154 miles.....	30 80
Per diem, 5 days.....	10 00
Galen Clark, 175 miles.....	35 00
Per diem, 16 days.....	32 00
Elizabeth Glynn, 175 miles.....	35 00
Per diem, 16 days.....	32 00
Jas. McCauley, 175 miles.....	35 00
Per diem, 16 days.....	32 00
A. D. Cavanaro, 175 miles.....	35 00
Per diem, 16 days.....	32 00
John Conway, 175 miles.....	35 00
Per diem, 5 days.....	10 00
Jas. Grant, 175 miles.....	35 00

Esther Harris, 83 miles	\$16 60
Per diem, 5 days	10 00
G. S. Ladd, 48 miles	9 60
J. K. Bernard, 114 miles	22 80
Per diem, 5 days	10 00
Albert Snow, 130 miles	26 00
Per diem, 5 days	10 00
Charles Anderson, 135 miles	27 00
Per diem, 9 days	18 00
C. H. Culbertson, 122 miles	24 00
Per diem, 8 days	16 00
J. P. Jackson, 121 miles	24 20
J. S. Sperry, 106 miles	21 20
Per diem, 5 days	10 00
Robert Cosner, 80 miles	16 00
Per diem, 5 days	10 00
George Kenney, 144 miles	28 80
Per diem, 7 days	14 00
Total	\$1,017 40

MEANY, Chairman.

Have had the same under consideration, and respectfully report the same back, with an amendment, adding the words "and return" after the word "miles," and recommend its adoption.

The committee, in connection with the said mileage report, recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Geo. W. Faylor, Sergeant-at-Arms of the Senate, for the sum of ten hundred and seventeen dollars and forty cents (\$1,017 40) for mileage and per diem of witnesses in attendance before the Committee on Yosemite Valley, Forestry, and Mariposa Big Tree Grove, in the investigation into the management and conduct of the Yosemite Valley.

Adopted.

Also, report as follows:

Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following, viz.:

Resolved, That the Committee on Attachés, Contingent Expenses, and Mileage be and is hereby directed to report to the Senate a full list of all officers and attachés, whether statutory or not, the per diem of each officer and attaché, and the duties performed by such officers and employes, with the view of ascertaining what reduction in the number of officers and employes of the Senate can be reasonably made. Said Committee on Attachés, etc., to report to the Senate at an early date.

Have had the same under consideration, and respectfully report the following list of employes, with the per diem allowed to each:

NAME.	Time.	Per Diem.	Amount.
Rev. A. C. Bane, Chaplain	7	\$6 00	\$42 00
W. E. Duncan, Assistant Secretary of the Senate	7	8 00	56 00
S. S. Ford, Assistant Sergeant-at-Arms	7	6 00	42 00
J. DeWitt McPike, Assistant Minute Clerk	7	8 00	56 00
Henry Zollver, Assistant Minute Clerk	7	8 00	56 00
Vincent Ryan, Assistant Minute Clerk	7	8 00	56 00
M. B. Bransford, Assistant Enrolling Clerk	7	8 00	56 00
E. H. Clough, Assistant Journal Clerk	7	8 00	56 00
H. H. Maynard, Assistant Journal Clerk	7	8 00	56 00
Lee Brown, Assistant Journal Clerk	7	8 00	56 00
Silas Penry, Assistant Engrossing Clerk	7	8 00	56 00
Edith Cosby, Assistant Engrossing Clerk	7	8 00	56 00
Chas. Gagus, Assistant Engrossing Clerk	7	8 00	56 00
George Collins, Mailing Clerk	7	4 00	28 00
Edward Barton, Bill Clerk	7	4 00	28 00
J. J. Duval, Folding Clerk	7	5 00	35 00
Philip S. Fay, Clerk to Sergeant-at-Arms	7	8 00	56 00
W. S. O'Brien, Bookkeeper to Sergeant-at-Arms	7	8 00	56 00
Lena Walton, Janitress	7	3 00	21 00
M. J. Sullivan, Messenger to State Printer	7	3 00	21 00
Daniel Wheelan, Messenger to Sergeant-at-Arms	7	3 00	21 00
J. M. Mitchell, Mail Carrier	7	4 00	28 00
Jos. Von. Praag, Doorkeeper	7	4 00	28 00

NAME.	Time.	Per Diem.	Amount.
A. French, Gatekeeper	7	\$1 00	\$28 00
James Neal, Gatekeeper	7	4 00	28 00
L. Leightner, Gatekeeper	7	4 00	28 00
Chas. Dufresne, Watchman	7	4 00	28 00
Walter Johnson, Watchman	7	4 00	28 00
Dennis Haley, Watchman	7	4 00	28 00
John McCann, Watchman	7	4 00	28 00
Wm. Lynch, Watchman	7	4 00	28 00
J. Dushiels, Watchman	7	4 00	28 00
Jerome Meyers, Watchman of Gallery	7	4 00	28 00
Louis Whiting, Porter	7	4 00	28 00
J. E. Brannan, Porter	7	4 00	28 00
George Locke, Porter	7	4 00	28 00
James Meehan, Porter	7	4 00	28 00
Charles Robinson, Porter	7	4 00	28 00
W. J. Simmons, Porter	7	4 00	28 00
W. S. Lynn, Porter	7	4 00	28 00
George Waters, Rear Porter	7	4 00	28 00
Jas. Sharkey, Porter to Committee on Judiciary	7	4 00	28 00
Newton Cleveland, Porter to Committee on Elections	7	3 00	21 00
Chas. Castor, Sergeant-at-Arms to Committee on Judiciary	7	5 00	35 00
J. C. Bunner, Sergeant-at-Arms to Committee on Elections	7	4 00	28 00
B. Landers, Messenger to Committee on Judiciary	7	4 00	28 00
John R. Lewis, Messenger to Committee on Elections	7	5 00	35 00
Martin Steinmetz, Gas Lighter	7	3 00	21 00
Lillie Gesford, File Clerk	7	5 00	35 00
Willie Bond, Page	7	3 00	21 00
R. N. Lynch, Page	7	3 00	21 00
Wilson Evans, Page	7	3 00	21 00
I. K. Mosier, Page	7	3 00	21 00
George Brady, Page	7	3 00	21 00
Farley Lewis, Page	7	3 00	21 00
Charles Lansing, Page	7	3 00	21 00
Willie Ensberry, Page	7	3 00	21 00
E. F. Bernhard, Clerk of Committee on Judiciary	7	8 00	56 00
M. B. Beattie, Clerk of Committee on Judiciary	7	8 00	56 00
F. J. Zeehandelaar, Clerk of Committee on Contested Elections	7	5 00	35 00
T. F. Walsh, Clerk of Committee on Enrolled Bills	7	5 00	35 00
F. J. Harrington, Clerk of Committee on Military Affairs	7	5 00	35 00
James Galloway, Clerk of Committee on Mines and Highways	7	5 00	35 00
Chauncey Clark, Clerk of Committee on Public Buildings	7	5 00	35 00
W. E. Gallison, Clerk of Com. on Constitutional Amendments	7	5 00	35 00
A. M. Gardner, Clerk of Committee on Banks and Banking	7	5 00	35 00
Jno. D. Ennis, Clerk of Committee on Fish and Game	7	5 00	35 00
Miss Julia S. Jones, Clerk of Committee on Corporations	7	5 00	35 00
J. A. Filcher, Clerk of Committee on Prison Buildings	7	5 00	35 00
Frank Atkinson, Clerk of Committee on City and Co. Gov.	7	5 00	35 00
H. M. Burke, Clerk of Committee on Finance	7	5 00	35 00
R. S. Knight, Clerk of Committee on Finance	7	5 00	35 00
Henry Haley, Clerk of Committee on Im. and Chinese	7	5 00	35 00
Miss Annie Taylor, Clerk of Com. on Cos. and Co. Gov'ts	7	5 00	35 00
W. A. January, Clerk of Committee on Roads and Highways	7	5 00	35 00
Jere Callahan, Clerk of Committee on Public Printing	7	5 00	35 00
Jacob Rudolph, Clerk of Committee on State Library	7	5 00	35 00
Andrew O'Brien, Clerk of Committee on Labor and Capital	7	5 00	35 00
Daniel Green, Clerk of Committee on Federal Relations	7	5 00	35 00
Mrs. Jennie Shively, Clerk of Com. on Attachés and Con. Ex.	7	5 00	35 00
James Brownlie, Clerk of Committee on Rules	7	5 00	35 00
H. C. Osment, Clerk of Committee on For., Y. V., and B. T.	7	5 00	35 00
James M. Garvin, Clerk of Committee on Claims	7	5 00	35 00
John B. Lewis, Jr., Clerk of Committee on Chinese Immigration	7	5 00	35 00
Hattie E. Dixon, Clerk of Committee on Agriculture	7	5 00	35 00
David Neagle, Clerk of Committee on Commerce and Navigat'n	7	5 00	35 00
Melissa Smith, Clerk of Committee on Apportionment	7	5 00	35 00
N. E. Briceland, Clerk of Committee on Hospitals	7	5 00	35 00
Belle Chapman, Clerk of Committee on Rivers and Harbors	7	5 00	35 00
C. E. Loeber, Clerk of Committee on Engrossed Bills	7	5 00	35 00
James Feehan, Clerk of Committee on Public Morals	7	5 00	35 00
R. E. Martin, Clerk of Committee on Education	7	5 00	35 00
P. H. Kean, Clerk Committee on Irrigation and Water Rights	7	5 00	35 00
M. O'Donnell, Clerk of Com. on Public, Swamp, and O. Lands	7	5 00	35 00
C. C. Levy, Clerk of San Francisco Delegation	7	5 00	35 00

NAME.	Time.	Per Diem.	Amount.
A. B. Treadwell, Clerk of Committee on Judiciary.....	7	\$8 00	\$56 00
Rachel Gift, Clerk of Committee on U. S. Claims.....	7	5 00	35 00
G. McFarland, Clerk of Committee on Commissions.....	7	5 00	35 00
Chas. W. Fay, Clerk of Committee on Silk Culture.....	7	5 00	35 00
Lillie Thurston, Clerk of Com. on Viniculture and Viticulture..	7	5 00	35 00
Lottie Stewart, Clerk of Committee on Engrossed Bills.....	7	5 00	35 00

Also, report on the following resolution:

Resolved, That the Chairman of the Committee on Judiciary be allowed to draw from the Secretary of State additional supplies to those already received, for the use of the Committee on Judiciary of the Senate, not to exceed twenty-five dollars.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 280, 194, 188, 206, 310, 121, and 205.

DIXON, Acting Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 509—An Act to grant to the United States certain tide lands belonging to the State of California for the purpose of improving the Harbor of Humboldt Bay—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 398—An Act to repeal an Act entitled "An Act to declare the Klamath River navigable"—have had the same under consideration, and respectfully report the same back, without recommendation.

SPELLACY, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Education respectfully report that the number of miles traveled by each member of said committee who visited the Normal School at San José, Lick Observatory, University of California, and Normal School at Chico, is as follows:

To the Observatory, Normal School at San José, and University of California:

Senator Preston.....	314 miles.
Senator Flint.....	314 miles.
Senator Conklin.....	258 miles.
Senator Caminetti.....	258 miles.
Miss Sadie E. Auklin, Clerk.....	314 miles.

To the Normal School at Chico:

Senator Jones.....	180 miles.
Senator Flint.....	180 miles.
Senator Conklin.....	180 miles.
Senator Caminetti.....	180 miles.
Miss Sadie E. Auklin, Clerk.....	180 miles.

To the Observatory, sub-committee of Committee on Education:

Senator Preston.....	314 miles.
Senator Conklin.....	314 miles.
Senator Caminetti.....	314 miles.

Respectfully submitted.

CAMINETTI, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Assembly Bill No. 262—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

McDONALD, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 601—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 23 and 249, and substitutes for Senate Bills Nos. 402 and 188.

DIXON, Acting Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1889. }

To the Senate of the State of California:

I have the honor to announce to your honorable body that I have received a joint communication, signed by Hon. Stephen M. White, President protem, of the Senate, and Hon. Robt. Howe, Speaker of the Assembly, informing me that the Legislature of the State of California, in joint convention assembled on Thursday, February 14, 1889, the hour of one o'clock and thirty minutes P. M., elected two Trustees of the State Library, under section two thousand two hundred and ninety-two of the Political Code, for the unexpired term of Hon. Henry Edgerton, deceased, and Hon. W. H. Beatty, resigned, as follows: R. D. Stephens to fill the unexpired term of Hon. Henry Edgerton, and Dr. M. Gardner to fill the unexpired term of Hon. W. H. Beatty.

In accordance with this action, I have been requested to issue commissions to those so elected. For the same reasons expressed to your honorable body in a previous communication, in regard to the mode of procedure in appointing Trustees of the State Library, I most respectfully decline to issue such commissions.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 15—An Act to provide for the appointment by the Supreme Court of five Commissioners, to be known as Commissioners of the Supreme Court, and to appoint a Secretary therefor, to relieve said Court from the overburdened condition of its calendar, and to provide for the compensation of said Commissioners and Secretary, and to appropriate money therefor.

Also, Senate Bill No. 68—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to chapter one, title nine, part one thereof, two new sections, numbered, respectively, two hundred and sixty-eight and two hundred and sixty-nine, relating to the punishment of seduction accomplished and had under promise of marriage, and relating to the effect of the marriage of the parties concerned after the commission of the offense.

Also, Senate Bill No. 12—An Act to amend section five hundred and thirty-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, concerning the crime of obtaining money or property by false pretenses.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 15, 1889. }

To the Senate of the State of California:

I hereby respectfully withdraw the names of J. J. Scrivener, appointed October 24, 1887, and E. J. De Pue, appointed January 3, 1888, as Directors of the State Prisons.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Assembly Bills:

Assembly Bill No. 511—An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon.

Assembly Bill No. 512—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon.

Assembly Bill No. 513—An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with interest thereon.

Assembly Bill No. 514—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

Assembly Bill No. 515—An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Assembly Bill No. 516—An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court under section forty-seven of the Code of Civil Procedure for the thirty-ninth fiscal year, with legal interest thereon.

Assembly Bill No. 517—An Act making an appropriation to pay the deficiency in the appropriation for use of library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTIONS.

Mr. Dray moved to withdraw Senate Bill No. 539 (No. 247 on file), and substitute in lieu thereof Assembly Bill No. 511.

So ordered.

Assembly Bill No. 511 read first time.

Mr. Dray moved that Senate Bill No. 540 be withdrawn from the file, and substitute in lieu thereof Assembly Bill No. 512.

So ordered.

Also, Senate Bill No. 541, Senate Bill No. 542, Senate Bill No. 543, Senate Bill No. 544, and Senate Bill No. 545, and substitute in lieu thereof the following Assembly Bills, named in the Assembly message: Assembly Bill No. 513, Assembly Bill No. 514, Assembly Bill No. 515, Assembly Bill No. 516, and Assembly Bill No. 517.

The above Assembly Bills were severally read the first time and ordered on file, in lieu of the withdrawn Senate Bills.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the Decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

Also, Assembly Bill No. 290—An Act making appropriation for the payment of the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

Also, Assembly Bill No. 104—An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Also, Assembly Bill No. 473—An Act to provide for the deficiency in the appropriation for stationery, fuel, and lights, for the Legislature and State officers for the fortieth fiscal year.

Also, Assembly Bill No. 474—An Act to provide for the deficiency in the appropriation for repairs of State Capitol building, and furniture, and purchase of carpets, for the fortieth fiscal year.

Also, Assembly Bill No. 506—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Printing Office, including the pay of the employés, for the thirty-eighth fiscal year, with legal interest thereon.

Also, Assembly Bill No. 507—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

Also, Assembly Bill No. 508—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building, and furniture, and the purchase of carpets, for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

Also, Assembly Bill No. 509—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

Also, Assembly Bill No. 510—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

ED. E. LEAKE, Chief Clerk.

MOTION.

Mr. Dray moved that the following Senate Bills be withdrawn from the file: Senate Bills Nos. 556, 557, 559, 558, 534, 535, 536, 537, and 538, and that the following Assembly Bills be substituted on file therefor: Assembly Bills Nos. 290, 104, 473, 474, 506, 507, 508, 509, and 510.

The above named Assembly Bills were severally read the first time, and ordered on file in place of the withdrawn Senate Bills, they being identical in title.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 152—An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors.

ED. E. LEAKE, Chief Clerk.

Referred to Committee on Public Morals.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 45—An Act to amend "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and amended by an Act approved March 10, 1887.

ED. E. LEAKE, Chief Clerk.

Referred to Committee on Banks and Banking.

MOTION.

Mr. McDonald moved to withdraw Senate Bill No. 375, and substitute therefor Assembly Bill No. 120.

So ordered.

RESOLUTION.

Mr. Heacock moved the adoption of the following resolution:

Amend Rule Three by adding at the end thereof the following: "In case of the absence of the President pro tem., any Senator may be chosen by a vote of the majority of the Senators present (a quorum voting), who shall have the same power as the President pro tem. His official title shall be 'Acting President.'"

Adopted.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. White: Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

On file.

By Mr. Heacock: Senate Bill No. 602—An Act to provide that all contracts hereafter made by the State, requiring the payment of money by the State, in all cases where no sufficient appropriation has been made therefor, shall provide that such payments be made in Controller's warrants.

Referred to Committee on Finance.

By Mr. Britt: Senate Bill No. 603—An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to and injuries suffered by certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets."

Referred to Committee on Claims.

By Mr. Jones: Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways.

Referred to Committee on Roads and Highways.

By Mr. Spellacy: Senate Bill No. 605—An Act to provide for the payment of J. R. McDonald, Francis Williams, and Henry de Veuve, for per diem and mileage for serving as Commissioners of the West Side Irrigation District, under the Act to create an irrigation district to be called the West Side Irrigation District, approved April 3, 1866, and Acts supplemental thereto.

Referred to Committee on Claims.

By Mr. Boggs: Senate Bill No. 606—An Act to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Committee on Roads and Highways.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Brice land, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, and White—30.

NOES—None.

Title read and approved.

Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant Company F, Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, series 1880.

Passed on file.

Senate Bill No. 402—An Act to establish a State Reform School, and to provide for the maintenance and management of the same.

Substitute passed temporarily on file.

Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Passed on file.

Senate Bill No. 23—An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bogges, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Jones, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, and Welch—22

NOES—MESSRS. Conklin, Crandall, Heacock, Hinshaw, McComas, Mead, Preston, and White—8.

Title read and approved.

Senate Bill No. 340—An Act entitled an Act to amend section three hundred and eighty-five of the Political Code of the State of California, relating to the salary of the Private Secretary of the Governor.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, and White—25.

NOES—MESSRS. Flint and Mead—2.

Title read and approved.

Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Jones, McComas, McDonald, Mead, Meany, Moffitt, Preston, and White—22.

NOES—MESSRS. Crandall and Hinshaw—2.

Title read and approved.

Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities, and towns, and to the inhabitants thereof.

Passed on file.

Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund, Unavailable."

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, White, and Williams—26.

NOES—None.

Title read and approved.

Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Roth, White, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 390—An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Passed on file.

Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, White, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of road overseers.

Mr. Murphy moved that the hour of recess be extended until one o'clock and thirty minutes P. M.

So ordered.

Senate Bill No. 249 was read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, McDonald, Meany, Moffitt, Murphy, Roth, White, Williams, and Yell—26.

NOES—MESSRS. Mead and Preston—2.

Title read and approved.

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Passed on file.

Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of the State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Passed on file.

Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two

thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Passed on file.

Assembly Bill No. 145—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, White, Williams, and Yell —29.

NOES—None.

Title read and approved.

Assembly Bill No. 128—An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use but not used for the purpose to which it was dedicated.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Preston, Roth, White, Williams, and Yell —28.

NOES—None.

Title read and approved.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Amended in committee, as follows:

In line five, section one, printed bill, amend by inserting the word "create" between the words "stock" and "or."

Adopted.

In line twenty-three, page two of printed bill, after the word "amount," add the words "of the bonded indebtedness which it proposed to create, or the amount."

Adopted.

In line twenty-four of printed bill, amend by inserting the word "such" between the words "increase" and "indebtedness."

In line thirty-one insert before the word "bonded" the words "creation or increase of."

Adopted.

In line twenty-five insert the words "created or" between the words "been" and "increased."

Adopted.

In line four strike out the word "notice," and insert in lieu thereof the word "notices."

Adopted.

Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents, to pay the salary of the Commissioner of Immigration from October 10, 1885, to January 1, 1889.

Passed on file.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration, from August 1, 1883, to October 1, 1885.

Passed on file.

Assembly Bill No. 144—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Read second time, and ordered to a third reading.

Senate Bill No. 337—An Act to amend subdivision seven of section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to registration of electors.

Passed on file.

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Committee amendments, as follows:

Commence at the word "when," in line four, strike out all down to the word "testamentary," in line six, and insert in lieu thereof the following: "At any time after the lapse of one year from the issuance of letters testamentary, or of administration."

Adopted.

In line seven, commencing at the word "after," strike out all down to the word "testamentary."

Adopted.

Insert after the word "executor," in line eleven, the words "or administrator."

Adopted.

Insert before the word "person," in line eleven, the word "other."

Adopted.

Mr. Crandall proposed the following amendment:

In section one, line eight, before the word "net," and after the word "the," insert the words "distribution of the."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Committee amendment to section one, as follows:

In line seven, after the word "county," insert the words "or in either thereof, or in any municipal corporation in said county."

Adopted.

In line eight, strike out the word "each," and insert the word "any." In same line, after the word "township" insert the words "or municipal corporations named in such order."

Adopted.

Senate Bill No. 223—An Act to amend section one thousand six hundred and fifty-eight of the Code of Civil Procedure of the State of California, and to add two new sections to said Code, to be numbered section one thousand seven hundred and two and section one thousand seven hundred and three, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of probate.

Committee amendments:

Amend by striking out the whole of section two.

Adopted.

In line one, section three, page two, strike out the word and figure "Section 3," and insert in lieu thereof the word and figure "Section 2."

Adopted.

In line three, section two (as amended), strike out the word "and," and insert in lieu thereof the words "or when."

Adopted.

Strike out all in brackets in lines six and seven, in section two.

Adopted.

Strike out the figures "1703" and insert in lieu thereof the figures "1702," in line three, section two.

Adopted.

Strike out the whole of section four.

Adopted.

Title amended to read as follows:

An Act to amend section one thousand six hundred and fifty-eight of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section to said Code, to be numbered section one thousand seven hundred and two, providing for additional powers to Judges of Superior Courts sitting in probate matters.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Substitute read and adopted, and ordered to a third reading.

Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Committee amendment:

Strike out, on page five, line one hundred and twenty-eight, beginning with the words "the Commissioners," and down to the word "necessary," in line one hundred and thirty-two, and insert in lieu thereof the following: "the Commissioners are hereby authorized and empowered to purchase, construct works for preserving piles and timber, and the necessary machinery to be used therewith, and operate said works, and for that purpose to employ men, and purchase chemicals and such other materials as may be necessary for the preserving of piles and timber."

Adopted.

Also, strike out, on page five, line one hundred and thirty-two, the word "creosote" and insert in lieu thereof the word "chemicals."

Adopted.

Also, strike out on page ten, line seven, the word "creosoting" and insert in lieu thereof "preserving."

Bill read second time, and passed on file.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 48, 193, 148, 456, and 210.

DIXON, Acting Chairman.

MOTION.

Mr. Moffitt moved to take up third reading of bills.

So ordered.

THIRD READING OF BILLS.

Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special service performed by him as Second Lieutenant Company F, Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, series 1880.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Williams—27.

NOES—Messrs. Caminetti, Hinshaw, and Mead—3.

Title read and approved.

Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

MOTION.

Mr. Caminetti moved the hour of recess be extended ten minutes beyond the hour already set.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Mr. Dargie moved to amend, as follows:

Strike out of section one all after the word "of," in line one, and insert instead the following: "Fifteen thousand five hundred dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind. Not exceeding the sum of ten thousand five hundred dollars of said sum appropriated shall be expended for the purpose of erecting dormitories at said Home; not exceeding the sum two thousand five hundred dollars shall be expended for the purpose of erecting a residence for the Superintendent of the said Home, and not exceeding the sum of two thousand five hundred dollars shall be expended for the purpose of enlarging the dining room and making additions to the shops now upon the grounds of said Home."

Adopted.

Also, amend by striking out sections "two" and "three," and renumber section "four" section "two."

Adopted.

Add a new section to read: "SEC. 3. The Controller of State is hereby directed to draw his warrant in favor of the Trustees of said Home for the amount herein appropriated, and the Treasurer is directed to pay the same."

Adopted.

Also, renumber section "five" section "four."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any district agricultural society, can be drawn from the State Treasury.

Passed on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Welch, White, Williams, and Yell—26.
 NOES—None.

Title read and approved.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 92—An Act to provide for a general vaccination in the State of California.
 Also, Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

Also, substitute for Concurrent Resolution No. 4.

And have this day delivered the same to the Governor.

MEAD, Chairman.

MOTION.

Mr. Murphy moved to make Senate Bill No. 62 the special order for Monday, at four o'clock P. M.

Upon roll call, the motion was lost by the following vote:

AYES—Messrs. Byrnes, Caminetti, Fraser, McDonald, Murphy, and Roth—6.
 NOES—Messrs. Banks, Bowers, Briceland, Britt, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Pinder, Preston, Welch, and White—23.

Journal approved.

ADJOURNMENT.

Upon motion of Mr. Meany, at one o'clock and twenty-five minutes P. M., the Senate adjourned until Monday, at two o'clock P. M.

IN SENATE.

SENATE CHAMBER, }
 Monday, February 18, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

PETITIONS.

By Mr. Dargie: Petition by the Women's Christian Temperance Union, in favor of the enactment of a Sunday law. [Signed by six hundred and sixty-five names of residents of Oakland.]

Referred to Committee on Public Morals.

By Mr. Dargie: Petition by the Women's Christian Temperance Union, in favor of the enactment of laws raising the age of consent to eighteen years and for the prohibition of seduction and prostitution. [Signed by one hundred and twenty-three names of residents of Santa Rosa.]

Referred to Committee on Public Morals.

By Mr. Dargie: Petition by the Women's Christian Temperance Union, asking the enactment of a law prohibiting the sale of tobacco to minors. [Signed by one hundred and sixty-nine names of residents of Oakland.]

Referred to Committee on Public Morals.

By Mr. Moffitt: From citizens of the City of Oakland, recommending the adoption of a new election law, commonly known as the Australian system. [Signed by eighteen names.]

Referred to Committee on Elections.

By Mr. Briceland: From the Board of Supervisors of Siskiyou County, remonstrating against the passage of Assembly Bill No. 222. [Signed by the Board of Supervisors of Siskiyou County.]

Referred to Committee on Counties, County Government, and Township Organization.

REPORTS OF STANDING COMMITTEES.

ON HARBORS, RIVERS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Harbors, Rivers, and Coast Defenses, to whom was referred Senate Bill No. 594—An Act to amend section two thousand three hundred and forty-nine of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the navigable waters of this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 583—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, and three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands applicable to certain lands within municipalities—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 528—An Act to amend an Act entitled "An Act for the protection of preemption and homestead claimants," approved March 23, 1874—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 595 - An Act making an appropriation for the arrangement and protection of the State Mineral Cabinet under directions of the Trustees thereof - have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MEAD, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 290, 352, 291, 223, and 192.

DIXON, Acting Chairman.

ON CHINESE AND CHINESE IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Chinese and Chinese Immigration, to whom was referred Senate Bill No. 529 - An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation - have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PINDER, Chairman.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 484 - An Act to amend an Act entitled "An Act to reincorporate the City of San Diego" - have had the same under consideration, and respectfully report the same back, with the recommendation that it do not pass, but in lieu thereof a substitute for said Bill No. 484 is hereby presented, which substitute we respectfully recommend do pass.

MOFFITT, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 14, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bills Nos. 320, 326, 346, 348, 368, 369, 371, 401, 425, 432, and 578, and Assembly Bill No. 36 - have had the same under consideration, and respectfully report that they have adopted a substitute for all of said bills, and recommend that the substitute do pass.

HINSHAW, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 390 and 210.

HAMILL, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 16, 1889. }

To the Senate of the State of California:

I have the honor to transmit to your honorable body a communication from Hon. J. W. Powell, Director of the United States Geological Survey, relative to State cooperation with the irrigation work of that survey. As this is the only copy in my possession, I respectfully request you notify the Assembly of its receipt.

R. W. WATERMAN, Governor.

DEPARTMENT OF THE INTERIOR, UNITED STATES GEOLOGICAL SURVEY, }
WASHINGTON, D. C., February 7, 1889. }

His Excellency the Governor of California:

SIR: I have the honor to inform you that it is expected that the irrigation survey of the arid lands will be extended into the State of California during the coming season, and in view of such action I beg to call your attention to the importance of the work of the State Engineer of California.

It is intimately related to the irrigation survey, and it is very desirable and important that the work should be continued, in order that the State Survey and the United States Survey may cooperate to attain the best results. The work of the State Survey during past years has been carried on with great vigor and wisdom, and the published results are of value not only to the State but to the entire arid region, and I beg permission to urge upon your consideration the importance of continuing the office of State Engineer, in order that the work now planned by the General Government may have the assistance and support of local officers interested in and actively at work on the same problems. Such a system of cooperation would, it is believed, be highly beneficial to the State.

I am, with respect, your obedient servant,

J. W. POWELL, Director.

Referred to Committee on Mines, Drainage, and Mining Debris.

INTRODUCTION OF BILL.

By Mr. Jones: Senate Bill No. 607—An Act to provide for the payment of the expenses necessary to enable the Railroad Commissioners of the State of California to attend and participate in a general conference of Railroad Commissioners, to be held at the office of the Interstate Commerce Commission, in the City of Washington, on the fifth day of March, A. D. 1889, and to appropriate money therefor.

Read first time, and ordered on file for second reading.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

Passed on file.

Senate Constitutional Amendment No. 4—Constitutional Amendment—To propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trust.

The same was lost by the following vote:

AYES—Messrs. Banks, Briceland, Byrnes, Caminetti, Dargie, De Long, Dixon, Fraser, Greely, Jones, McComas, Mead, Preston, Sprague, White, and Wilson—16.

NOES—Messrs. Boggs, Bowers, Britt, Campbell, Conklin, Crandall, Dray, Flint, Goucher, Heacock, Hinshaw, Langford, McDonald, McGowan, Meany, Moffitt, Pinder, Roth, Spelacy, Welch, Williams, and Yell—22.

NOTICE OF RECONSIDERATION.

Mr. Bowers gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Constitutional Amendment No. 4 was lost.

LEAVE OF ABSENCE.

Mr. McGowan was granted leave of absence until Wednesday, at two o'clock P. M.

MOTION.

Mr. Caminetti moved that the order of Motions, Resolutions, and Notices be taken up at five o'clock P. M.

So ordered.

LEAVE OF ABSENCE.

Mr. Greely was granted leave of absence for the day.

THIRD READING OF BILLS.

Senate Bill No. 402—An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

SPECIAL ORDERS.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Mr. Caminetti moved to pass the order until to-morrow, at three o'clock P. M.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Mr. Crandall moved to amend by striking out of section eight, line fourteen, the words "of the Home," after the word "Treasury," and insert the word "State" before the word "Treasury," in same line.

Adopted.

Mr. Crandall moved that the bill be recommitted to a committee of one, to consist of Mr. Meany, to amend the bill according to instructions.

Upon roll call, the same was carried by the following vote:

AYES—Messrs. Briceland, Britt, Campbell, Conklin, Crandall, Dixon, Fraser, Heacock, Hinshaw, Langford, McComas, Meany, Moffitt, Pinder, Roth, Welch, and White—17.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Caminetti, Dargie, De Long, Flint, Goucher, Jones, McDonald, Mead, Preston, Sprague, and Wilson—15.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 193, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

MEANY, Committee.

Report adopted.

Bill, as amended, ordered reprinted, engrossed, and to a third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 148—An Act to provide for accurate meters, or other instruments, or devices used to measure or weigh the water sold, rented, or supplied to cities and counties, cities, and towns, or to the inhabitants thereof; to regulate the furnishing and use of such meters, or other instruments, or devices, and to provide a penalty for a violation of this Act.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Jones, Langford, McComas, McDonald, Mead, Meany, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—MESSRS. Conklin, Crandall, and Dixon—3.

Mr. Conklin explained that he voted "no" because the amount of the penalty was too great.

Title read and approved.

Senate Bill No. 390—An Act providing for the appointment of a commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—MESSRS. Caminetti and Meany—2.

Title read and approved.

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Read third time, and Mr. Heacock moved that it be referred to a committee of one, consisting of Mr. Heacock, to amend by striking therefrom the words "a Commissioner of Immigration."

Adopted.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 299, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

HEACOCK, Select Committee.

Report adopted.

Bill, as amended, ordered reëngrossed and reprinted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 352—An Act to repeal sections two thousand nine hundred and forty-nine, two thousand nine hundred and fifty, two thousand nine hundred and fifty-one, two thousand nine hundred and fifty-two, two thousand nine hundred and fifty-four, two thousand nine hundred and fifty-five, two thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, two thousand nine hundred and fifty-nine, two thousand nine hundred and sixty, two thousand nine hundred and sixty-one, two thousand nine hundred and sixty-two, two thousand nine hundred and sixty-three, two thousand nine hundred and sixty-four, two thousand nine hundred and sixty-five, two thousand nine hundred and sixty-six, two thousand nine hundred and sixty-seven, two thousand nine hundred and sixty-eight, and two thousand nine hundred and sixty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Passed on file.

Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Mr. White moved to refer to a committee of one, consisting of Senator Dray, with instructions to amend the bill, as amended, in the following particulars, viz.:

Amend the bill by adding the letter "s" to the word "section," before the figures "3748," and insert immediately before said figures the following: "3748 and."

Adopted.

Also, amend section one, by adding the letter "s" to the word "section" immediately preceding the word "three," and then insert just before said word "three" the following: "three thousand seven hundred and forty-eight and." Also, strike out the word "the" where the same occurs in line two of said section immediately before the word "Act." Also, add after the word "Code," same section, the following: "approved March 12, 1872, are." Also, strike out the word "is" just after the word "Code."

Adopted.

Also, insert immediately before the word and figures "Section 3748" the following: "Section 3747. In the City and County of San Francisco the notice must specify the office of the Collector as the place where taxes may be paid."

Adopted.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 102, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DRAY, Select Committee.

Adopted.

Bill ordered reëngrossed and reprinted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 223—An Act to amend section one thousand six hundred and fifty-eight of the Code of Civil Procedure of the State of California, and to add two new sections to said Code, to be numbered section one thousand seven hundred and two and section one thousand seven hundred and three, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of probate.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Brice land, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Preston, Roth, Welch, White, Williams, Wilson, and Yell—26.

NOES—None.

Title read and approved.

Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Passed on file.

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Passed on file.

Assembly Bill No. 144—An Act to amend section four hundred and forty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the valuation of policies of life insurance.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—27.

NOES—None.

Title read and approved.

Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—28.

NOES—None.

Title read and approved.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Mr. Moffitt moved to withdraw Senate Bill No. 53 and substitute in lieu thereof Senate Bill No. 355 (No. 226 on file).

So ordered.

Mr. Bowers moved that he be allowed to withdraw Senate Bill No. 192 (No. 27 on file), and substitute in its place Senate Bill No. 473 (No. 144 on file).

Mr. De Long offered the following as a substitute:

That the rules be amended, and that the present rules of the Senate be suspended for that purpose, so as to read as follows: "That when a bill is reached, the author of the bill shall be granted privilege to withdraw the same and substitute another bill on the file of which he is the author."

The roll was called upon the question to suspend the rules, and the same was lost by the following vote:

AYES—Messrs. Bowers, Dargie, De Long, Flint, Fraser, McComas, McDonald, and Wilson—8.

NOES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, Mead, Meany, Moffitt, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—23.

The question recurring upon the motion of Mr. Bowers, the same was lost by the following vote:

AYES—Messrs. Dray, Goucher, McComas, McDonald, Moffitt, and Wilson—6.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Heacock, Hinshaw, Jones, Mead, Meany, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—26.

Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Passed on file.

Senate Bill No. 53—An Act to appropriate twelve thousand eight hundred and eighty-eight dollars and eighty-nine cents, to pay the salary of the Commissioner of Immigration from October 10, 1885, to January 1, 1889.

Withdrawn.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Passed on file.

Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Passed on file.

Senate Bill No. 337—An Act to amend subdivision seven of section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to registration of electors.

Withdrawn by author.

Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code." approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Mr. De Long offered the following amendment:

Strike out the last word "and," in line two hundred and thirty-eight, and all the words thereafter up to and including the word "Commissioners," in line two hundred and fifty-seven of the printed bill, and insert in lieu thereof the following:

"The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for marine railway and dry dock purposes, or for any other purposes whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided, and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare, situated upon the premises described in this article; nor shall any corporation, firm, association, company, or person collect dockage, wharfage, cranage, or toll, within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them on thirty days previous notice to the party or parties so using the same."

Mr. Pinder offered the following amendment:

Add to Mr. De Long's amendment the following: "But nothing in this article shall be so construed as to permit any private corporation or association to construct or maintain any railway along the seawall and waterfront herein described."

MOTIONS, RESOLUTIONS, AND NOTICES.

Senate Concurrent Resolution No. 5—Relative to procuring rock for seawall from Angel Island.

Adopted.

Senate Concurrent Resolution No. 10—Requesting the Congress of the United States to refuse the Territory of Utah admission as a State in the Federal Union so long as polygamy, or the system of plural marriages, prevails within its boundary.

CALL OF THE SENATE.

Mr. Preston moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Preston moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTIONS, RESOLUTIONS, AND NOTICES—(RESUMED).

The question recurring upon Senate Concurrent Resolution No. 10, the same was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Heacock, McComas, McDonald, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, and Wilson—23.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Hamill, Hinshaw, Jones, Langford, Pinder, Sprague, White, Williams, and Yell—13.

Mr. Caminetti explained that he voted "no" because he thought the people here had no business to interfere with the affairs of Utah.

Mr. Dray voted "aye," because he thought it concerned the people of the whole nation.

Mr. White explained his vote as follows: "Under the provisions of the resolution, the Legislature requests that Utah shall not be admitted as a State while there are any violators of the laws of morality in the Territory. This would be an unjust discrimination in favor of the citizens of other States and Territories."

Senate Concurrent Resolution No. 14—Relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

Adopted.

Senate Concurrent Resolution No. 12—Relative to the matter of the payment of Indian depredation claims.

Adopted.

Senate Concurrent Resolution No. 11—Concurrent resolution requesting our Representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the Sacramento and Feather Rivers, in California, from the head of navigation of the Sacramento, at St. Johns, and from the head of navigation of Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

Mr. Caminetti moved to amend by inserting the words "San Joaquin" before the word "Sacramento," in line one.

Adopted.

Mr. Bowers moved to amend by adding "Sweetwater Creek and San Gabriel River."

Lost.

Upon motion of Mr. Caminetti, Senate Concurrent Resolution No. 11 was passed on file.

Assembly Concurrent Resolution No. 4—Relative to filling the vacancy caused by the death of Wm. Blanding.

Mr. Moffitt moved that the Senate adopt the resolution.

Roll call demanded by Messrs. Yell, Wilson, and Byrnes.

The resolution was adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dray, Fraser, Heacock, Hinshaw, Langford, McComas, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, White, and Wilson—21.

NOES—Messrs. Caminetti, Campbell, Crandall, Dixon, Jones, Mead, Pinder, Welch, Williams, and Yell—10.

RESOLUTION.

By Mr. Yell:

Resolved, That W. E. Doan be and he is hereby allowed the sum of seventy dollars, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Elections as stenographer, and the Controller is hereby directed to draw his warrant for said sum.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Mr. Pinder moved to take a recess until seven o'clock and thirty minutes P. M.

Lost by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Dargie, De Long, Dray, Heacock, McComas, Pinder, Preston, Spellacy, Sprague, Welch, White, and Williams—16.

NOES—Messrs. Bowers, Briceland, Campbell, Crandall, Dixon, Fraser, Hamill, Hinshaw, Jones, Langford, Mead, Meany, Moffitt, Roth, Wilson, and Yell—16.

ADJOURNMENT.

Mr. Jones moved that the Senate do now adjourn.

The motion prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dixon, Dray, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Meany, Moffitt, Roth, Wilson, and Yell—22.

NOES—Messrs. Caminetti, Dargie, De Long, Pinder, Preston, Spellacy, Sprague, Welch, White, and Williams—10.

Thereupon, at five o'clock and forty-five minutes P. M. the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, February 19, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Pinder, Preston, Roth, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORTS OF STANDING COMMITTEES.

ON YOSEMITE VALLEY, FORESTRY, AND MARIPOSA GROVE OF BIG TREES.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Yosemite Valley, Forestry, and Mariposa Grove of Big Trees, to whom was referred Senate Bill No. 375—An Act to withdraw from entry and sale the State school forest lands in every township in California—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 341—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Also, Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MEANY, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bill Nos. 102 and 193.

DIXON, Acting Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 343—An Act to amend section three hundred and twenty-four of the Civil Code, relating to the transfer of shares of the capital stock of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, we respectfully report that we have had under consideration Senate Bill No. 242—An Act regarding the collection of licenses, fees, charges, impositions, and taxes from life insurance companies organized under the laws of any State or country other than the State of California, and the making of statements, publications, certificates of authority, and the compelling of deposits of securities on the part of such companies—and we recommend that it do pass.

Also, have had under consideration Senate Bill No. 374—An Act to create and establish a State Board of Insurance and prescribe its powers and duties—and respectfully report the same back, and recommend that it do not pass.

GOUCHER, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRITT, Chairman.

ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 30—An Act entitled "An Act to provide for the appointment of a State Board of Drainage Commissioners, to define their duties, to provide for the organization and government of drainage districts, and for the construction of works to improve the drainage of the several districts, and to appropriate money for the use of the State Board of Drainage Commissioners."

Also, Senate Bill No. 570—An Act entitled "An Act to provide for the appointment of a State Board of Drainage and Reclamation Commissioners, to define their duties, to provide for the organization and government of drainage and reclamation districts, and for the construction of works to improve the drainage and reclamation of the swamp and overflowed lands of this State; to appropriate money for the use of said Board of Drainage and Reclamation Commissioners, and to provide for the issuing of bonds of the State of California to provide money for the purpose of draining and reclaiming such lands."

Have had both bills under consideration, and respectfully report them back, and recommend that the annexed substitute for both bills do pass.

LANGFORD, Chairman.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 417—An Act to amend sections ten, twenty-two, and twenty-seven of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same, for the reason that there is an Assembly Bill of identical provisions now before the Senate.

CAMINETTI, Chairman.

Mr. Goucher withdrew Senate Bill No. 417, for the reason that there was an Assembly Bill of same import now before the Senate.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 113—An Act to amend section six hundred and eighty of the Political Code, relating to investing school funds of the State.

Also, Assembly Bill No. 154—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Also, Senate Bill No. 169—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 60—An Act to establish a State School of Industry, and to provide for the organization and government thereof, and the making of an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library fines therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

Also, Senate Bill No. 586—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed and nonsuit entered.

Also, Senate Bill No. 565—An Act to provide compensation to Geo. R. B. Hayes for professional services rendered the State of California, at the request of the Governor and Attorney-General.

Also, Senate Bill No. 566—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be known as section one thousand eight hundred and fifty-six, relating to the sale of personal property by depositors for hire to pay storage.

Also, Senate Bill No. 568—An Act to amend sections six hundred and eighty-nine and one thousand four hundred and thirty-one of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the right of a defendant to be tried by a jury, and to cases where judgment may be pronounced against a defendant, and relating to the change of place of trial in criminal proceedings in Justices' Courts.

Respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 170—An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor.

Also, Senate Bill No. 306—An Act entitled "An Act to amend section three hundred and three of an Act entitled 'An Act to establish a Civil Code,'" approved March 21, 1872, relating to the by-laws of a corporation.

Also, Senate Bill No. 464—Relative to an Act respecting the payment in full by holders of certificates of purchase for land sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Also, Senate Bill No. 467—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to the sale of school lands.

Also, Senate Bill No. 512—An Act to encourage coöperation and to provide for the formation of associations for the purpose of conducting any lawful business and dividing the profits among the members thereof.

Also, Senate Bill No. 279—An Act to amend chapter eleven, title eleven, part three, of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections, relating to testamentary trusts and trustees.

Also, Senate Bill No. 448—An Act to amend sections one thousand two hundred and thirty-eight and one thousand two hundred and fifty-one of the Code of Civil Procedure relating to eminent domain.

Also, Senate Bill No. 466—An Act to establish a State Reform School for Juvenile Offenders.

Also, Senate Bill No. 79—An Act to amend article six, chapter two, title eight, of the Civil Code, by adding thereto a new section, to be known as section two thousand two hundred and ninety.

Also, Senate Bill No. 506—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to shares of stock in corporations.

Also, Senate Bill No. 508—An Act to declare arrangements, contracts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Also, Senate Bill No. 564—An Act to amend sections three and seven hundred and eighty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also, Senate Bill No. 522—An Act prescribing the competency, and for the protection of witnesses testifying as to crimes against the elective franchise, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-four of said Penal Code.

Respectfully report the same back, without recommendation.

Also, Senate Bill No. 505—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section one thousand five hundred and forty-three, in relation to search warrants—respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 589—An Act to amend section eight hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to persons acting as attorneys in Justices' Courts.

Also, Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, in relation to assignments for the benefit of creditors.

Also, Senate Bill No. 122—An Act to increase the number of clerks for the limited period of four months, commencing during the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerks.

Also, Senate Bill No. 482—An Act to amend sections one hundred and ninety-eight, two hundred and five, and two hundred and eighty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties competent and qualified to act as jurors, and to the mode and manner of selecting such jurors.

Also, Senate Bill No. 507—An Act to amend sections eighty-five and one hundred and ten of the Code of Civil Procedure, relating to Justices' Courts and the terms of office and salaries of Justices of the Peace, and Justices' clerks and deputies, in cities and counties of more than one hundred thousand population.

Also, Senate Bill No. 517—An Act to regulate quarantine and the admission of cattle into the State of California from infected districts.

Also, Senate Bill No. 518—An Act to suppress and prevent the introduction and spread of Texas or Spanish fever, pleuro-pneumonia, and other contagious and infectious diseases among cattle.

Also, Senate Bill No. 507—An Act to amend section four hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, relating to the purchase, holding, and conveyance of real estate by insurance corporations.

Also, Assembly Bill No. 131—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the place of trial of civil actions.

Report the same back, and recommend that they do pass.

Also, Senate Constitutional Amendment No. 10—Relative to the Supreme Court.

Also, Senate Constitutional Amendment No. 12—Relative to the jurisdiction of Justices of the Peace.

Report the same back, and recommend that they be not adopted.

JONES, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 478—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five (5) gallons—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HINSHAW, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 299, 18, and 183.

HAMILL, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on State Hospitals report the number of miles traveled during their visit to the Asylum for the Deaf, Dumb, and Blind, located at Berkeley:

Senator Mead, 172 miles.....	\$17 00
Senator Byrnes, 172 miles.....	17 00
Senator Briceland, 172 miles.....	17 00
Clerk of Committee, 172 miles.....	17 00
Total.....	\$68 00

BRICELAND, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 310—An Act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose—have had the same under consideration, and respectfully report the same back, and recommend that a substitute do pass.

MOFFITT, Chairman.

The substitute for Senate Bill No. 310 was ordered printed in the Journal.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 18, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that, on February 16, 1889, I approved Senate Bill No. 6—An Act to amend section four of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, or municipal corporations incorporated under the laws of this State," approved March 15, 1887, fixing the maximum amount of interest payable on municipal bonds.

R. W. WATERMAN, Governor.

A message from the Governor, in relation to the appointment of a State Prison Director, was read and, upon motion of Mr. Moffitt, was laid over until Thursday, at two o'clock and fifteen minutes p. m., to be considered in connection with the other appointments of the Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed, as amended, Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Luis Obispo, San Diego, Tulare, Fresno, Solano, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, and Calaveras—and respectfully asks the Senate to concur in the amendments.

ED. E. LEAKE, Chief Clerk.

CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL No. 4.

Assembly Amendment No. 1:

Amend title, by inserting the word "Napa" after the word "Stanislaus."

Upon motion of Mr. Bowers, the Senate refused to concur.

Assembly Amendment No. 2:

Amend the title, by striking out the words "San Luis Obispo."

Upon motion of Mr. Heacock, the Senate concurred in the amendment.

Assembly Amendment No. 3:

After the words "Santa Barbara," on page one, insert the word "Napa."

Upon motion of Mr. Sprague, the Senate refused to concur.

Assembly Amendment No. 4:

Also, in last line, page one, and first line, page two, strike out the words "San Luis Obispo."

Upon motion of Mr. Heacock, the Senate concurred in the amendment.
Amendment No. 1, by special committee:

Strike out the word "and" in line three of Committee Amendment No. 1.

Upon motion of Mr. Bowers, the Senate refused to concur in the amendment.

Assembly Amendment No. 5:

By inserting after the word "Calaveras," in line eighteen, the word "Stanislaus."

Upon motion of Mr. Meany, the Senate concurred in the amendment.
Special Committee Amendment No. 2:

After the word "Tehama," line three, Committee Amendment No. 1, by inserting "San Bernardino, Kern, Placer, and Humboldt."

Upon motion of Mr. Fraser, the Senate concurred in the amendment.

In line fourteen, after the words "San Diego" insert the words "Marin, Mendocino, and Tehama."

Upon motion of Mr. De Long, the Senate concurred in the amendment.

Strike out the word "and" in line eighteen, section one, before the word "Calaveras."

Upon motion of Mr. Bowers, the Senate concurred in the amendment.

After the word "Calaveras," line eighteen, section one, insert "El Dorado."

Upon motion of Mr. Bowers, the Senate concurred in the amendment.

After the word "annum," line nineteen, insert the following: "Judge of the Superior Court of the County of Alpine, two thousand dollars per annum."

Upon motion of Mr. Goucher, the Senate concurred in the amendment.

Strike out all of section two, and insert: "SEC. 2. The provisions of this Act shall not affect the present incumbents."

Upon motion of Mr. Meany, the Senate concurred in the amendment.

Add a new section as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Upon motion of Mr. Preston, the Senate refused to concur.

Amend the title by adding after the word "Amador" the following: "San Bernardino, Kern, Humboldt, Marin, Mendocino, El Dorado, Tehama, Alpine, Stanislaus, Calaveras."

Upon motion of Mr. Bowers, the Senate concurred in the amendment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

ON RIVERS, HARBORS, AND COAST DEFENSES.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Rivers, Harbors, and Coast Defenses, to whom was referred Senate Bill No. 391—An Act to establish a Board of Pilot Commissioners, and providing pilot regulations for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bills Nos. 424, 200, 201, 202, 372, 373, 428, 95, and 503, as amended; and Assembly Bills Nos. 102 and 103—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOFFITT, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled: Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the Decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year—and have this day delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following Joint Rules of the Senate and Assembly:

JOINT RULES OF THE SENATE AND ASSEMBLY.

I.—COMMITTEE OF CONFERENCE.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective Chairmen, and shall confer upon the differences between the two houses, and shall report, as early as convenient, the result of their conference to their respective Houses for their action.

II.—MESSAGES MUST BE ANNOUNCED BY DOORKEEPER.

When a message shall be sent from either House it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.—SECRETARY, CLERK, ETC., TO CARRY MESSAGES.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.—NOTICES TO BE ON PAPER UNDER PROPER SIGNATURE.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

V.—ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

VI.—ENROLLING COMMITTEE TO COMPARE.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originated, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

VII.—PRESIDENT AND SPEAKER TO SIGN BILLS.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.—ENROLLING COMMITTEE TO PRESENT BILL TO GOVERNOR.

After a bill shall have thus been signed in each House, it shall be presented, by the Enrolling Committee of the House in which it originated, to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

IX.—ORDERS, RESOLUTIONS, AND VOTES TO BE APPROVED AS ARE BILLS.

All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

X.—JOINT ADDRESSES TO GOVERNOR.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

XI.—BILL OR RESOLUTION OF ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.—REJECTED BILLS REQUIRE FIVE DAYS' NOTICE AND TWO-THIRDS VOTE FOR REINTRODUCTION.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

XIII.—EACH HOUSE TO TRANSMIT PAPERS.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

XIV.—DISAGREEMENT, ADHERED TO, DEFEATS THE BILL.

After each House shall have once adhered to their disagreement a bill or resolution shall be lost.

XV.—NO APPROPRIATION EXCEPT BY BILL.

No appropriation of money, for any purpose whatever, shall be made except by bill.

XVI.—EXCEPT BY EACH HOUSE, PRINTING TO BE DONE BY CONCURRENT RESOLUTION.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

XVII.—JOINT STANDING COMMITTEE OF THREE FROM EACH HOUSE.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XVIII.—NO LIQUORS IN PUBLIC BUILDING.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

XIX.—UNANIMOUS CONSENT FOR EXTRA PAY.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

XX.—CONCURRENT AND JOINT RESOLUTIONS TREATED AS OTHER RESOLUTIONS.

All concurrent or joint resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as other resolutions.

XXI.—AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in;" and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Referred to Committee on Rules.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

Passed on file.

Senate Constitutional Amendment No. 4—Constitutional Amendment.—To propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trust.

Passed temporarily.

RESOLUTION—(OUT OF ORDER).

By Mr. Jones:

Resolved, That Senate Bill No. 607 presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Upon the resolution the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Dray, Flint, Moffitt, Pinder, Sprague, and Wilson—8.

NOES—Messrs. Bowers, Briceland, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Murphy, Preston, Roth, Spellacy, Welch, White, and Yell—24.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Meany: Senate Bill No. 608—An Act to pay the claim of Charles Sonntag & Co., for cartridges used in the military salute fired over the grave of the late Governor Washington Bartlett.

Referred to Committee on Military Affairs.

Also, Senate Bill No. 609—An Act relating to life, casualty, and endowment protection upon assessment or mutual improvement plan.

Referred to Committee on Corporations.

By Mr. Preston: Senate Bill No. 610—An Act to amend section three hundred and two of the Civil Code, relating to annual meetings of the directors of corporations, and to the merging of the stock in other corporations.

Referred to Committee on Corporations.

By Select Committee on Commissions: Senate Bill No. 64—An Act to establish a Department of Agriculture, to define its powers, to provide for the appointment of a Commissioner of Agriculture and such other officers as the said department may require, to define the duties of said Commissioner and the said officers, to provide for the enforcement of the rules and regulations of said department, and to punish violations thereof, and to make an appropriation for the support and maintenance of said department.

On file. Read first time.

By Mr. Dray: Senate Bill No. 612—An Act to amend an Act entitled an Act amendatory of and supplemental to an Act, approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872.

Read first time, and placed at head of Special File for Wednesday, February twentieth.

By Mr. Briceland (by request): Senate Bill No. 613—An Act to amend section three hundred and thirty of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the enforcement of said section by the Chief or Captain of Police of the cities of this State and the Sheriff of the counties thereof, and the disposition of the fines, forfeitures, and penalties collected or imposed thereunder.

Referred to Committee on Public Morals.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 193—An Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—30.

NOES—NONE.

Title read and approved.

EXPLANATION OF VOTE.

Mr. White explained his vote, as follows:

I vote "aye" because I do not wish to see the bill defeated, yet, in my judgment, section eight of the bill confers too much power upon the Board of Trustees.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Passed on file.

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Read third time, and temporarily laid over to have amendments printed in the bill.

Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, and Wilson—35.

NOES—None.

Title read and approved.

Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Mr. Langford moved to commit the bill to a committee of one, consisting of himself, to amend by striking out subdivision five of the substitute, and inserting the following :

To provide on the asylum grounds residences, furniture, provisions, fuel, and lights for the Medical Superintendent and Assistant Physicians and their families; and until such residences are provided, there shall be allowed to each of the Assistant Physicians a sum not exceeding one hundred and fifty dollars per month for the subsistence of themselves and their families.

Adopted.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 183, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

LANGFORD, Select Committee.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

COMMUNICATION.

Mr. Dray sent the following communication to the desk, which was read :

SACRAMENTO, CALIFORNIA, February 19, 1889.

To the honorable President, members, and attachés of the Senate:

You are most cordially invited to attend the ceremonies of laying the cornerstone of our Pythian Castle in this city, at three o'clock p. m. this Tuesday, nineteenth instant, at corner of Ninth and I Streets.

Most respectfully,

COMMITTEE OF INVITATION,
Of Order of Knights of Pythias of Sacramento.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Mr. Goucher moved to amend as follows:

In line seventeen, strike out the word "or" between the words "form" and "substance," and substitute therefor the word "and."

Adopted.

Also, in line forty-three, by striking out the word "their" between the words "forfeit" and "right," and substitute the word "its" therefor.

Adopted.

RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate was called to order pursuant to recess, at one o'clock and thirty minutes P. M.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HINSHAW, Chairman.

MOTION.

Mr. Moffitt withdrew Senate Bill No. 54, and moved to substitute Senate Bill No. 463 therefor.

The roll was called upon Mr. Moffitt's motion, with the following result:

AYES—Messrs. Boggs, Bowers, Byrnes, Conklin, Crandall, Dargie, De Long, Flint, Fraser, Goucher, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, and Wilson—19.

NOES—Messrs. Banks, Briceland, Britt, Caminetti, Campbell, Dixon, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, Mead, Roth, Welch, White, and Williams—18.

Lost.

SECOND READING OF BILLS—(RESUMED).

The consideration recurring upon Senate Bill No. 355, Mr. Goucher offered the following amendments:

In line forty-four, between the words "and" and "it" insert the words "in such case."

Adopted.

Also, in line forty-five, strike out the word "their" and substitute therefor the word "the."

Adopted.

Also, in same line, after the word "license" insert the words "of such corporation or company."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration, from August 1, 1883, to October 1, 1885.

Passed on file.

Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Passed on file.

Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Mr. De Long offered the following amendment:

Strike out the last word "and," in line two hundred and thirty-eight, and all the words thereafter up to and including the word "Commissioners," in line two hundred and fifty-seven of the printed bill, and insert in lieu thereof the following:

"The Commissioners shall not have the right to renew any lease, or to lease any premises under their control for marine railway and dry dock purposes, or for any other purposes whatever, but they may permit any property under their control to be used by any corporation, firm, association, person, or company, but in no case shall any corporation, firm, association, person, or company enjoy the use of any of the property under the Commissioners' charge, except such use as shall be terminated as herein provided, and the said Commissioners may condemn, purchase, and pay a reasonable compensation for such structure as may have been erected upon the said premises, which structure, in the opinion of the Board and Engineer, may be useful for such commercial purposes as this article is intended to promote. No person or company shall land or remove any goods, wares, or merchandise, or other things, upon or from any wharf, pier, quay, landing, or thoroughfare, situated upon the premises described in this article: nor shall any corporation, firm, association, company, or person collect dockage, wharfage, cranage, or toll, within the boundaries of the premises described in this article, without first obtaining permission to do so from said Commissioners. Any use permitted of the property by the Commissioners may be terminated at any time by them on thirty days previous notice to the party or parties so using the same."

Mr. Bowers moved to extend the time for special order until the subject-matter under consideration be disposed of.

So ordered.

The question recurring upon the amendment of Mr. De Long, Mr. Caminetti moved to amend by striking out the words "marine railway and."

Mr. Heacock moved as an amendment to the amendment to strike out from Mr. De Long's amendment the following: "For marine railway and dry dock purposes or for any other purposes," and insert "for any purpose."

Messrs. De Long and Caminetti severally accepted the amendment, and the same was adopted.

The question recurring upon Mr. Pinder's amendment:

Add to Mr. De Long's amendment the following: "But nothing in this article shall be so construed as to permit any private corporation or association to construct or maintain any railway along the seawall and waterfront herein described."

Mr. Caminetti offered the following substitute:

Said Board shall not lease to or permit any corporation, or association, or any person or persons to lay down any track or tracks for railways along or on any portion of the waterfront of San Francisco under any condition whatever. Said Board may, when the wants of commerce require, lay down such number of tracks along or on any portion of said waterfront as may be necessary to meet such wants; permit the use thereof to any corporation, association, person, or persons, under such rules and regulations, and at such compensation as said Board may determine; *provided*, that no special privilege shall be awarded thereon to any corporation, association, person, or persons.

Mr. Pinder accepted the amendment.

Upon roll call, the amendment was adopted by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, McDonald, Murphy, Pinder, Preston, Welch, White, and Williams—20.

NOES—Messrs. Banks, Beggs, Byrnes, Dargie, De Long, Flint, Greely, Mead, Moffitt, Spellacy, Sprague, and Yell—12.

Mr. Campbell moved to amend by striking out the word "six" in line eight, and substitute therefor the word "four."

Ayes and noes demanded by Messrs. Spellacy, Langford, and Greely.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Briceland, Campbell, Crandall, De Long, Fraser, McComas, and Wilson—7.

NOES—Messrs. Banks, Beggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Dargie, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Yell—28.

Mr. Spellacy moved to amend by inserting in section two, line three, the figures "2528" before the word "all." Also, in section one, line three, insert the figures "2524" before the word "The." Also, in section three, line three, insert the figures "2552" before the word "The."

Temporarily passed.

NOTICE OF RECONSIDERATION.

Mr. Preston gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate adopted the amendment offered by Mr. Caminetti.

LEAVE OF ABSENCE.

Mr. Goucher was granted leave of absence for the remainder of the day.

SPECIAL ORDER.

Mr. Bowers called up his motion of reconsideration, of which notice was given yesterday, upon Senate Constitutional Amendment No. 4.

MOTION.

Mr. Moffitt moved that the special order set for three o'clock P. M. be continued until the matter under consideration be disposed of.

So ordered.

CALL OF THE SENATE.

Mr. Bowers moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Bowers moved that further proceedings under the call be dispensed with.

So ordered.

MOTION TO RECONSIDER—(RESUMED).

The question recurring upon the motion to reconsider, the roll was called with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Jones, Langford, McComas, Mead, Murphy, Preston, Roth, Sprague, White, Wilson, and Yell—27.

NOES—Messrs. Conklin, Crandall, Heacock, Hinshaw, McDonald, Meany, Moffitt, Pinder, Spellacy, Welch, and Williams—11.

MOTION.

Mr. Dray moved that the consideration of Senate Constitutional Amendment No. 4 be made a special order for Monday next, at two o'clock and fifteen minutes P. M.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Murphy, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Campbell, Meany, Moffitt, and Welch—4.

SPECIAL ORDERS.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employés, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Mr. Murphy moved that Senate Bill No. 188 be made a special order for Tuesday next, at three o'clock P. M.

Ayes and noes demanded by Messrs. Wilson, Preston, and Fraser.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Caminetti, Conklin, Crandall, Dixon, Dray, Hinshaw, Jones, Langford, McComas, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, and White—19.

NOES—Messrs. Banks, Britt, Byrnes, Campbell, De Long, Flint, Fraser, Greely, Hamill, Heacock, McDonald, Preston, Sprague, Williams, and Wilson—15.

CONSIDERATION OF SENATE BILL No. 266—(RESUMED).

Consideration of Senate Bill No. 266 on second reading being resumed, Mr. De Long offered the following amendment:

And provided, further, that switches from said railway track or tracks may, with the permission of the said Board, under the limitations and conditions of this Act, be constructed by corporations, or any person or persons, leading into warehouses or places of business.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Committee amendment as follows:

Insert after the word "Commissioners," page two, line eighteen, the following: "But in no case shall any lease or leases be given."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any District Agricultural Society, can be drawn from the State Treasury.

Mr. Heacock moved to amend by inserting after the word "pooling," line seven, section one, the words "pool selling or bookmaking."

Mr. Boggs moved to amend by striking out of section one, line seven, the words "or any pooling" after the word "State."

Mr. Boggs withdrew the amendment.

The question recurring upon Mr. Heacock's amendment.

CALL OF THE SENATE.

Mr. Conklin moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greeley, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Conklin moved that further proceedings under the call be dispensed with.

So ordered.

AMENDMENTS—(RESUMED).

Upon Mr. Heacock's amendment, the ayes and noes were demanded by Messrs. Yell, Caminetti, and Heacock.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Heacock, Hinshaw, McComas, Mead, Murphy, Preston, Welch, Williams, and Yell—16.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, De Long, Dray, Flint, Fraser, Greeley, Hamill, Jones, Langford, McDonald, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, White, and Wilson—22.

Mr. De Long moved to amend by striking out of section one, line seven, after the word "State" the words "or any pooling."

Lost.

Mr. Moffitt moved, as a substitute, that the Senate strike out the enacting clause of the bill.

POINT OF ORDER.

Mr. Heacock raised the point of order, that a motion to strike out the enacting clause is out of order, as the question is upon the amendment of Mr. De Long.

The Chair, in sustaining the point, stated that a motion to strike out the enacting clause was not an amendment, therefore was not germane to the amendment.

AMENDMENTS—(RESUMED).

Mr. De Long's amendment was lost.

Mr. Moffitt recalled his motion to strike out the enacting clause.

Mr. Moffitt withdrew his motion.

Amendment by Mr. Sprague:

Amend by inserting in line seven, after the word "permitted," the words "by the Board of Directors of said association." Also insert, before the word "permitted," in line seven, the word "willfully."

Mr. De Long offered the following substitute:

Strike out of section one, line four, the word "until," and all of line five, and line six to and including the word "no," and insert the following: "if it shall be proved that the Directors of the association have allowed any."

The question being upon Mr. De Long's substitute, the same was lost by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, De Long, Dray, and Preston—7.

NOES—MESSRS. Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

The question recurring upon the amendment of Mr. Sprague, the ayes and noes were demanded by Messrs. Conklin, Crandall, and Sprague.

Upon roll call, the amendment was lost by the following vote:

AYES—MESSRS. Boggs, Briceland, De Long, Dray, Fraser, Hamill, Langford, Mead, Meany, Preston, Sprague, and Yell—12.

NOES—MESSRS. Banks, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Flint, Greely, Heacock, Hinshaw, McComas, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—24.

Mr. Preston offered the following amendment, and moved its adoption:

Add to line seven, after the word "permitted," the words "within any pavilion or fair grounds, with the consent or knowledge of the directors or officers of such agricultural association."

Lost, by the following vote:

AYES—MESSRS. Dray, Mead, Meany, Moffitt, and Preston—5.

NOES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

Mr. White offered the following substitute, and Mr. Dray moved its adoption:

SECTION 1. The State Board of Examiners is hereby expressly prohibited from allowing, or the Controller from drawing, warrants for any claim for money hereafter appropriated by the State for aid of the State Agricultural Society or of any district agricultural society for any year, until there first shall have been presented with the said claim the affidavit of the President or Secretary of said society that he verily believes that no gambling or gaming which is prohibited by the laws of the State has been willfully permitted by said society, or the officers thereof in charge of the grounds during the continuation of the annual fair, or any exhibition or display which was under the direction of said society, or on any ground or in any place under the control of said society.

Adopted.

MOTIONS.

Mr. Dargie moved to take a recess until eight o'clock this evening.

Mr. Jones moved, as an amendment, that the Senate do now adjourn.

Upon Mr. Jones' motion, the ayes and noes were demanded by Messrs. Meany, Caminetti, and Dray.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Jones, McDonald, Murphy, Roth, Wilson, and Yell—6.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fassett, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, Mead, Meany, Pinder, Preston, Spellacy, Sprague, Welch, White, and Williams—31.

The question being upon the motion of Mr. Dargie, the same was carried by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—Messrs. McDonald, McGowan, Murphy, and Yell—4.

RECESS.

Thereupon the Senate took a recess until eight o'clock P. M.

EVENING SESSION.

The Senate met at eight o'clock P. M., pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Mollitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

Quorum present.

LEAVE OF ABSENCE.

Messrs. Wilson, Bowers, and Byrnes were granted leave of absence.

PREVIOUS QUESTION.

The question recurring upon Senate Bill No. 316, Mr. Heacock moved to amend, as follows:

Provided, that no gaming heretofore committed shall be deemed within the purview of this Act.

Adopted.

Bill, as amended, ordered engrossed and to third reading.

THIRD READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Having been reported back as correctly printed, was read a third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Pinder, Spellacy, Welch, White, and Yell—22.

NOES—None.

Title read and approved.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 289—An Act to provide funds for the erection and maintenance of State waterworks.

Read second time and passed on file.

Senate Bill No. 290—An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks, for irrigation and other beneficial uses.

Read second time and passed on file.

Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Mr. Preston moved to amend as follows:

Provided, that no vested or accrued water rights, water ditches, dams, canals, or water privileges for mining, irrigation, or other useful purposes shall be condemned, or in any manner injured or diminished for the purposes of this Act.

Mr. Moffitt moved to strike out the enacting clause.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Banks, Briceland, Caminetti, Campbell, Dixon, Flint, Greely, Heacock, McDonald, Moffitt, Murphy, Pinder, Spellacy, Sprague, White, and Yell—16.

NOES—Messrs. Conklin, Crandall, De Long, Dray, Hinshaw, Jones, McComas, Mead, Meany, Preston, Welch, and Williams—12.

EXPLANATIONS OF VOTE.

Mr. White explained his vote, as follows: I vote "aye" because I believe the bill is unconstitutional under *People vs. Sparks*, 28 Cal.

Mr. Williams explained his vote of "no," for the reason that he thought the bill should be considered in full Senate.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote by which the enacting clause of Senate Bill No. 291 was stricken out.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navi-

gation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Passed on file.

Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

Passed on file.

Senate Bill No. 135—An Act authorizing and empowering the Board of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner.

Passed on file.

Senate Bill No. 64—An Act relating to life, and casualty, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Passed on file.

Senate Bill No. 243—An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance.

Withdrawn by the author.

Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Read second time, ordered engrossed, and placed on file for third reading.

Senate Bill No. 283—An Act to authorize the Board of Education of cities and counties in this State to sell school lots not necessary or desirable for school purposes.

Read second time, and ordered on file for third reading.

Senate Bill No. 353—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, to provide for estimating the cost and selling price of the State text-books.

Withdrawn by Mr. Williams.

Senate Bill No. 318—An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation.

Mr. Williams offered as a substitute Senate Bill No. 128.

MOTION.

Mr. Heacock moved that the four bills now on file, touching the subject of the nature of Senate Bill No. 318, be committed to a select committee of five Senators, to prepare a bill or bills which, in the judgment of the committee, will meet with the approbation of the Senate, and that such bill or bills be read a first time when reported, and placed at the head of the second-reading file.

So ordered.

APPOINTMENT OF SELECT COMMITTEE.

The Chair appointed the select committee, as follows: Messrs. Heacock, Williams, Boggs, Banks, and Briceland.

MOTION.

Mr. Campbell moved to adjourn.

Lost.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 334—An Act to amend section four hundred and sixteen of an Act to establish a Political Code, relating to fees in the Secretary of State's office.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 120—An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Stockton for the thirty-ninth and fortieth fiscal years.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Amendments by Mr. Jones, as follows:

Amend section one by striking out of first line the words "and twelve" and inserting instead the word "ninety-nine."

Adopted.

Amend section one by striking out the word "ninth," after the word "thirty" in last line, and inserting the word "eighth" in place thereof. Also, add to the section the words "with legal interest thereon."

Adopted. .

Also, amend title by striking out the word "ninth," after the word "thirty," and insert the word "eighth" in place thereof.

Adopted.

REPORT—(OUT OF ORDER).

Mr. Hamill introduced the following report :

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Substitute for Senate Bill No. 183.

HAMILL, Chairman.

EXPENSE ACCOUNT.

Mr. Yell introduced the following resolution and expense account, which was referred to Committee on Attachés, Contingent Expenses, and Mileage.

Expenses of Geo. P. Harding in contest before Senate against Frank S. Sprague:

Paid S. E. Walden, printing.....	\$8 75
Paid Sheriff of Napa County, serving papers.....	3 80
Paid D. Shakespear, Clerk of Napa County.....	4 75
Paid Justices of the Peace, taking testimony.....	145 65
Paid Sheriff's fees, mileage, and subpoenaed ninety-three witnesses.....	168 70
Paid Mr. Roberts, copying register Veterans' Home.....	5 00
Paid eighty-seven witnesses mileage and per diem.....	208 60
Paid buggy hire.....	53 00
Paid expenses of two trips to Napa from Woodland.....	19 60
Paid expenses in Sacramento.....	81 80
Paid counsel fees.....	1,000 00
Total.....	\$1,699 65

Be it resolved by the Senate, That the Controller of State be and he is hereby directed to draw his warrant for the sum of one thousand six hundred and ninety-nine dollars and sixty-five cents against the Contingent Fund of the Senate in favor of Geo. P. Harding, in payment of the said Harding's fees and disbursements on account of his contest against Frank S. Sprague for a seat in the Senate.

Expenses in contested election case of Sullivan vs Banks on the part of contestant John J. Sullivan:

T. J. and A. J. Clunie, fees as attorneys for contestant.....	\$1,500 00
Filing statement of contest.....	7 50
Serving statement of contest	5 00
Serving citation of Clerk.....	5 00
Verifications	3 50
Certified copies	10 00
Type writer copies statement	23 00
Reporters' fees.....	611 40
Services of men hunting witnesses, watching ballots, and taking tallies	382 00
One half Justices' fees	75 00
Incidental expenses.....	100 00
Witness fees—twenty-three witnesses, three days at two dollars per day.....	138 00
Witness fees—nineteen witnesses, seven days at two dollars per day	266 00
Witness fees—nine witnesses, four days at two dollars per day	72 00
Serving subpoenas and mileage of witnesses	148 00
Total	\$3,346 40

Resolved, That the sum of three thousand three hundred and forty-six dollars and forty cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John J. Sullivan, for the expenses incurred by him in the contested election case of John J. Sullivan vs. W. O. Banks; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John J. Sullivan for the said sum.

ADJOURNMENT.

At ten o'clock and ten minutes p. m., on motion of Mr. Campbell, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Wednesday, February 20, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Brice land, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

PETITIONS.

By Mr. McComas: From members of the bar of Los Angeles County, asking for the passage of a bill making two additional Judges for the County of Los Angeles. [Signed by about eighty-eight names.]

Referred to Committee on Public Morals.

By Mr. Murphy: From members of the Police Department of the City and County of San Francisco, in relation to Senate Bill No. 62. [Signed by three hundred and ninety names.]

Referred to Committee on City, City and County, and Town Governments.

By Mr. Wilson: A resolution from members of the Police Department of the City and County of San Francisco, in relation to Senate Bill No. 62:

SAN FRANCISCO, February 10, 1889.

To the honorable the Senate of the State of California:

At a meeting of members of the Police Department, held in the Old City Hall, on this day, the following resolution was adopted unanimously:

Resolved, That the members of the Police Department do humbly petition the honorable the Senate of the State of California, that you do amend Senate Bill No. 62, known as "The Murphy Police Pension Bill," as heretofore amended, by striking out sections three and four, and inserting the following:

Sec. 3. Whenever any person, at the taking effect of this Act, or thereafter, shall have been duly appointed and sworn, and shall have served for the period of twenty years or more as a member, in any capacity or rank whatever of the regularly constituted Police Department of any such county, city and county, or incorporated town in the State of California, which may be hereafter subject to the provisions of this Act, said Board shall, upon the written application of such person, or without such application if said Board shall deem it for the best interest of said Police Department, dismiss such person from service therein, and shall order and direct that he be paid from such fund a yearly pension during life, equal to one half the amount of the salary attached to the rank which he may have held in said Police Department for the year next preceding his retirement.

Sec. 4. When any person while serving as a policeman in any such county, city and county, or town, shall become physically disabled so as to incapacitate him for the performance of police duty, without fault on his part, said Board is empowered to retire such person from active duty in such Police Department, and order and direct that he be paid from said fund a yearly pension equal to one half the amount of the salary attached to the rank which he held on said police force at the time of his retirement, provided that whenever such disability shall cease, such person shall be returned to active duty at the full rate of compensation attached to the rank he held at the time of his retirement, and such pension shall thereupon cease.

Also, that section twelve and subdivision nine of section eleven be stricken out.

M. MURPHY, President.
JOHN RAINSBURY, Secretary.

Referred to Committee on City, City and County, and Town Governments.

REPORT OF STANDING COMMITTEE.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, having received leave of absence to visit the asylums receiving State aid at Berkeley, beg to report that the following members were present at Berkeley: Senator Byrnes, Senator Mead, and Senator Brice-land, with the Clerk of said committee.

Your committee thoroughly investigated the management of the Deaf, Dumb, and Blind Asylum, and the buildings, and the respective departments within said buildings, and were well pleased with the admirable success of the management of each department in the said asylum.

The appropriation required for the ensuing fiscal years we are fully satisfied should be granted, especially the additional building for the accommodation of the increased number of inmates; and the appropriation for the mechanical department, where the mutes are taught the arts, should receive special provisions by the State.

This asylum is now, and has been for twenty-four years, under the control and management of Dr. Wilkinson, who, by his executive abilities and energy, has made the "surroundings" the most charming of any of the asylums under the care of the State. Your committee congratulates the State in having secured the services of a gentleman so ably qualified to discharge the responsible duties of said asylum.

BRICELAND, Chairman.

MOTION.

Mr. Mead moved to appoint a committee of three, for the purpose of investigating the matter as to the advisability of securing a typewriter for use in the engrossing office.

So ordered.

APPOINTMENT OF COMMITTEE.

The Chair appointed as such committee Messrs. Wilson, Jones, and Heacock.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 477—An Act to provide for the making of maps showing the description of lands embraced in the grants thereof, and otherwise have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINS-HAW, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 582—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Also, Senate Bill No. 585—An Act to amend section three thousand eight hundred and four of an Act to establish a Political Code, approved March 12, 1872, relating to the collection of property taxes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JONES, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 179—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and eighty-one, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, one thousand six hundred and eighteen, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools—have had the same under consideration, and respectfully report the same back, without recommendation.

CAMINETTI, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 298—An Act to provide for the payment of the claim of R. C. Ball as architect of the State Prison at Folsom, and to appropriate money for the payment of such claim—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 581—An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane at Agnews for the thirty-eighth fiscal year, with legal interest thereon—have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on Finance.

Recommendation adopted.

Also, Senate Bill No. 516—An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 605—An Act to provide for the payment of J. R. McDonald, Francis Williams, and Henry De Veuve, for per diem and mileage for surveying, as Commissioners of the West Side Irrigation District, under the "Act to create an irrigation district, to be called the West Side Irrigation District," approved April 3, 1876, and Acts supplemental thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 122—An Act for the relief of E. Marion Wells—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 454—An Act to appropriate the sum of five thousand dollars for the relief of Geo. W. Mayberry—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 351—An Act to pay the claim of James I. Stanton, ex-Coroner of the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 603—An Act to authorize the Board of Supervisors of San Francisco to adjust and pay the claim of Thomas Day—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 501—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 515—An Act for the relief of Amelia Mezzara—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 439—An Act for the relief of Patrick Tormey—have had the same under consideration, and respectfully report the same back, without recommendation.

MEANY, Chairman.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 606—An Act to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—have had the same under consideration, and respectfully report the same back, without recommendation.

ROTH, Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Fish and Game respectfully report that the following members of said committee are entitled to mileage for their visit to Seal Rocks, San Francisco, and return:

Senator Sprague, 182 miles	\$18 20
Senator Williams, 182 miles	18 20
Senator Pinder, 182 miles	18 20
J. D. Ennis, Clerk, 182 miles	18 20
Total	\$72 80

PINDER, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 11—Relative to the State Board of Equalization—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, as amended.

BOGGS, Chairman.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 403—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BOGGS, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 355, 313, 267, and 283.

DIXON, Acting Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 19, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 111—An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the Decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, receded from its amendments to Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Luis Obispo, San Diego, Tulare, Fresno, Solano, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, and Calaveras—viz: Assembly Judiciary Amendment No. 1, Assembly Judiciary Amendment No. 3, Assembly Select Committee Amendment No. 1, and Assembly Select Committee Amendment No. 7.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following substitute for Assembly Bill No. 72—An Act to amend an Act entitled "An Act to amend sections two, four, six, seven, and eight of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887, by amending and revising section one of said Act.

Also, Assembly Bill No. 518—An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Also, Assembly Bill No. 519—An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

Also, Assembly Bill No. 520—An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year.

Also, Assembly Bill No. 521—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General's office for the thirty-ninth fiscal year.

Also, Assembly Bill No. 522—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

WITHDRAWAL OF SENATE BILLS.

Mr. Fraser moved to withdraw Senate Bill No. 294, and substitute Assembly Substitute No. 72 therefor, and to read the Substitute No. 72 a first time.

So ordered.

Assembly Substitute No. 72—An Act to amend section one (1), and to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of an Act entitled "An Act to form agricultural districts, and to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880.

Read first time.

Mr. Dray moved to withdraw Senate Bill No. 546, and substitute therefor Assembly Bill No. 518, and read it a first time.

So ordered.

Assembly Bill No. 518—An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Read first time.

MOTION.

Mr. Campbell moved to strike out the enacting clause of Assembly Bill No. 520.

Lost.

WITHDRAWAL OF BILLS—(RESUMED).

Mr. Dray moved to withdraw Senate Bill No. 548, and substitute Assembly Bill No. 520 therefor.

So ordered.

Assembly Bill No. 520—An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year.

Read first time.

Mr. Dray moved to withdraw Senate Bill No. 549, and substitute therefor Assembly Bill No. 521, and read it a first time.

So ordered.

Assembly Bill No. 521—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.

Read first time.

Mr. Dray moved to withdraw Senate Bill No. 550, and substitute therefor Assembly Bill No. 522, and read it a first time.

So ordered.

Assembly Bill No. 522—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

Read first time.

EXPENSE ACCOUNT.

Expenses in contested election case of Sullivan vs. Banks, on the part of respondent W. O. Banks:

Senate Bill No. 618 read first time, and amended on second reading, as follows, by Mr. Heacock:

Add at the end of section one the following: "and the Controller is authorized to draw his warrant in favor of the Governor therefor."

Adopted.

Read second time, ordered engrossed and to a third reading.

INTRODUCTION OF BILLS—(RESUMED).

Bills were introduced, read by title, and referred to committees, as follows:

By Mr. Bowers: Senate Bill No. 619—An Act to add thirty-two sections to "An Act of the Legislature of the State of California to establish a Political Code," approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego.

Referred to Committee on Judiciary.

By Mr. Pinder: Senate Bill No. 620—An Act to repeal "An Act to regulate the vocation of fishing and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 621—An Act to repeal "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887.

Referred to Committee on Fish and Game.

By Mr. Goucher: Senate Bill No. 622—An Act to regulate the use of meters used in the sale, rental, or distribution of water supplied to cities and counties, cities or towns, and to the inhabitants thereof.

Referred to Committee on Corporations.

Also, Senate Bill No. 623—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Referred to Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove.

RESOLUTIONS.

By Mr. Sprague :

Resolved, That all committees of the Senate be required to report back on or before Monday, February twenty-fifth, all bills that have been referred for more than ten days.

Adopted.

By Mr. Dray :

Resolved, That Senate Bill No. 612—An Act to amend an Act approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872, presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read a second and third times and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, White, Williams, and Wilson—32.

NOES—None.

SENATE BILL No. 612 PASSED.

Senate Bill No. 612—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Williams, and Wilson—30.

NOES—None.

Title read and approved.

MOTION.

Mr. Heacock moved to make Senate Constitutional Amendment No. 3 the special order immediately after the special order of Senate Constitutional Amendment No. 4, set for Monday, February 25, 1889, at two o'clock and fifteen minutes P. M.

So ordered.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 183—An Act to amend section two thousand one hundred and thirty-seven of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton.

Read third time, and passed by the following vote :

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

MOTION.

Mr. Crandall moved to commit the bill to a committee of one, consisting of Mr. Goucher, with instructions to amend, by striking out the title and inserting instead the following:

An Act to amend section six hundred and sixteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to insurance companies.

REPORT OF COMMITTEE.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 355—An Act entitled "An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies"—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

GOUCHER, Committee.

Bill ordered reprinted and engrossed.

PASSED ON FILE.

Senate Bill No. 266 passed on file, temporarily.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,'" approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, and Williams—27.

NOES—None.

Title read and approved.

Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any district agricultural society, can be drawn from the State Treasury.

MOTION.

Mr. Dray moved to commit the bill to Mr. Conklin, as a committee of one, to amend the bill, as follows:

Strike out of section one, line two, after the word "Controller," the word "for," and insert in lieu thereof the word "from." Also, strike out all of section two.

REPORT OF COMMITTEE.

The committee submitted the following report, which was adopted:

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 316—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CONKLIN, Committee.

Bill, as amended, ordered reprinted.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 305, 206, 120, and 212.

GREELY, Acting Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Amended as follows:

In line six, page one of printed bill, amend by striking out the word "the" and inserting the word "its."

Adopted.

Bill ordered reprinted.

Senate Bill No. 283—An Act to authorize the Board of Education of cities and cities and counties in this State to sell school lots not necessary or desirable for school purposes.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Faint, Goucher, Greely, Hancock, Hinshaw, Jones, McComas, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Williams and Wilson—27.

NOES—None.

Title read and approved.

Upon motion of Mr. Meany, Senate Bill No. 454 was re-referred to Committee on Claims.

Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hancock, Hinshaw, Jones, Langford, McComas, Mead, Moffitt, Murphy, Preston, Welch, and White—27.

NOES—None.

Title read and approved.

Senate Bill No. 120—An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Stockton for the thirty-ninth and fortieth fiscal years.

Passed on file.

RECESS.

The hour of recess having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate met at one o'clock and thirty minutes P. M.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Committed to a committee of one, consisting of Mr. Jones, to report a substitute therefor.

REPORT OF COMMITTEE OF ONE.

Mr. Jones reported the substitute, as suggested, which was ordered engrossed and printed, and to retain the place of Senate Bill No. 212 on file.

REPORT OF SPECIAL COMMITTEE.

Mr. Heacock, a special committee of one appointed, submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your committee, to whom was referred the question whether the Engrossing Clerks should be allowed to use the typewriter in engrossing bills, respectfully report that, under the definition of the word "engrossment," we do not think it advisable to vary from the usual course hitherto adopted, requiring bills to be engrossed by hand, and with pen and ink. We, however, recommend the passage of an Act of the Legislature defining the word "writing" to include typewriting as well as printing.

HEACOCK, Committee.

Adopted.

MOTION.

Mr. Caminetti moved that the vote by which the enacting clause of Senate Bill No. 291 was stricken out be now reconsidered.

The roll was called upon the motion to reconsider, and the motion prevailed by the following vote:

AYES—MESSRS. Banks, Bowers, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Jones, McComas, McDonald, Preston, Spellacy, Sprague, Welch, and Wilson—20.

NOES—MESSRS. Briceland, Campbell, Dixon, Heacock, Hinshaw, McGowan, Murphy, Roth, and White—9.

Senate Bills Nos. 289, 290, and 291 passed on file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-five, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners.

Having been reported back, was read a third time, and passed by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Murphy, Roth, Spellacy, Sprague, White, and Williams—28.

NOES—Mr. Banks—1.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 22 and 316.

GREELY, Acting Chairman.

QUESTION OF PRIVILEGE.

Mr. Bowers arose to a question of privilege, relative to an article published in a newspaper (Sacramento "Daily Bee") of Wednesday, February 19, 1889.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Having been reported back, was read a third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Preston, Roth, White, Williams, and Wilson—27.
 NOES—None.

Title read and approved.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Passed on file.

Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

Passed on file.

Senate Bill No. 135—An Act authorizing and empowering the Board of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner.

Substitute for Senate Bill No. 135 read and adopted, ordered engrossed and to a third reading.

Senate Bill No. 64—An Act relating to life, and casualty, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Passed on file.

Senate Bill No. 318—An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation.

Passed on file.

Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf, under the control of the Board of State Harbor Commissioners.

Read second time, and ordered to a third reading.

Mr. De Long moved to withdraw Senate Bill No. 319, and substitute Senate Bill No. 296 in place.

So ordered.

Senate Bill No. 296—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Amended, as follows :

In section one, lines one and two, in lieu of the words "two thousand and thirty dollars and eighty-five cents," insert the words "one thousand seven hundred and seventy-five dollars and fifty cents."

Adopted.

Section two was also amended to conform with the above.

Bill, as amended, ordered engrossed and to a third reading.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 212 and 334.

GREELY, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 334—An Act to amend section four hundred and sixteen of "An Act to establish a Political Code," relating to fees in the Secretary of State's office.

Mr. Dray moved to commit the bill to a committee of one, consisting of himself, with instructions to strike out the word "of" where the same occurs between the word "increase" and the word "capital," and insert in lieu thereof the word "in."

Committee reported bill amended as instructed.

Report adopted.

Mr. Langford moved to amend in subdivision thirteen, by inserting after the word "decrease," in line thirty-four, printed bill, the words "or increase."

Adopted.

Mr. Dray moved that the amendment offered by Mr. Langford to Senate Bill No. 334 be rescinded.

So ordered.

Bill ordered reengrossed.

Committee on Attachés, Contingent Expenses, and Mileage were granted leave of absence for thirty minutes.

Senate Bill No. 278—An Act to appropriate fifty thousand dollars for the erection of a monument commemorative of the services of Rodman M. Price, and to provide for the investment of said sum, and the payment of the interest thereon.

Passed on file.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Passed on file.

Senate Bill No. 58—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Passed on file.

The order amending Senate Bill No. 334, in subdivision thirteen, was vacated.

Senate Bill No. 141—An Act to require bonds to be given for costs before issuance of summons in actions in damages, and providing that in certain cases summons may issue without bond being given, and making counties liable for costs in certain cases.

The following substitute was offered, and upon motion of Mr. Bowers, the same was read and substituted for Senate Bill No. 141:

An Act to require bonds to be given for costs in actions for damages and providing that in certain cases summons may issue without bond being given, and making counties liable for costs in certain cases.

Mr. Heacock moved to strike out section two.

SPECIAL ORDER POSTPONED.

Special order set for this hour—Assembly Joint Resolution No. 1—was passed, pending the disposition of the subject under consideration.

PREVIOUS QUESTION.

The question being upon the amendment of Mr. Heacock, the same was adopted.

Mr. Bowers moved to amend section three by striking out the figure "3," and inserting the figure "2."

Adopted.

Mr. Jones moved to strike out the enacting clause.

The roll call was ordered, and the motion lost by the following vote:

AYES—Messrs. Banks, Britt, Campbell, Crandall, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, and Murphy—17.

NOES—Messrs. Boggs, Bowers, Briceland, Caminetti, Conklin, Dargie, De Long, Dixon, Greely, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—20.

Mr. Bowers moved to amend section four by striking out the figure "4" and inserting in lieu thereof the figure "3."

Adopted.

Mr. Bowers moved to amend section five by striking out the figure "5" and inserting the figure "4" in lieu thereof.

Adopted.

The question being whether the bill should be engrossed and read a third time, the roll was called and the Senate refused engrossment by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Dargie, De Long, Dixon, Greely, McComas, Mead, Meany, Moffitt, Preston, Roth, Spellacy, and Sprague—16.

NOES—Messrs. Banks, Britt, Caminetti, Campbell, Conklin, Crandall, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McDonald, McGowan, Murphy, Welch, White, Williams, and Wilson—21.

SPECIAL ORDERS.

Assembly Joint Resolution No. 1—Relative to the election of United States Senators.

The roll was called, and the resolution adopted by the following vote :

AYES—MESSRS. Bowers, Briceland, Britt, Byrnes, Goucher, Heacock, Hinshaw, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, and Williams—19.

NOES—MESSRS. Banks, Boggs, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Jones, McComas, Preston, Sprague, and Wilson—18.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 46—An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein.

Amended in committee, as follows:

In line fourteen, page two, section one, after the word "of," fifth word in said line, insert the following: "the invalidity or unconstitutionality of the law under which said municipal authorities or officers appointed to act in entering into such contracts as declared by."

Adopted.

In line twenty-three, section one, page two, printed bill, strike out the words "brought or."

Adopted.

In line twenty-three, section one, page two, printed bill, strike out from and including the word "unless," last word in said line, down to and including the word "nor," second word in line twenty-nine, same section and page of printed bill.

Adopted.

In line twenty-seven, section one, page two of printed bill, strike out the words "such action," and insert in lieu thereof the words: "the same."

Adopted.

In line twenty-seven, page two, section one of printed bill, after the word "after" insert the following: "the passage of this Act."

Adopted.

In line twenty-seven, page two, section one, of printed bill, strike out from and including the word "such," down to and including the word "same," in line thirty.

Adopted.

In section two, page two, line two, printed bill, strike out from and including the word "the," to and including the word "or," in line two, section two, page two.

Adopted.

After the word "action," in line three, page two, section two, printed bill, insert the following: "the same shall bear interest, from the date of its rendition, like other judgments;" and also, in same line, page, and section of printed bill, strike out the words "claimant or."

Adopted.

After the word "plaintiff," in line three, section two, page two of printed bill, insert the words "his assignee or legal representative." Also, strike out the figure "6" in said line, page, and section.

Adopted.

In line four, section two, page two, printed bill, strike out the words "of the claim so allowed or."

Adopted.

In line five, page two, section two, printed bill, strike out the word "allowed," last word on said line, and also word "claim" in line six, page three, section two.

Adopted.

In line ten, page three, section two, printed bill, strike out words "claim or."

Adopted.

In line twelve, page three, section two, printed bill, strike out the words "claimant or."

Adopted.

In line fifteen, page three, section two, printed bill, strike out figures "1-10" in said line.

Adopted.

Strike out the figure "5" in line seventeen, same page. Also, strike out parentheses inclosing figure and words "5 per cent" in said line seventeen, and first word in line eighteen of said page three, section two, printed bill.

LEAVE OF ABSENCE.

Assistant Secretary Corcoran was granted leave of absence for the rest of the week.

CALL OF THE SENATE.

Mr. Campbell moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Greely moved to dispense with further proceedings under the call of the Senate.

So ordered.

AMENDMENTS—(RESUMED).

Mr. Crandall moved to amend by inserting at the end of section three, line six, the words: "But in any action or proceeding brought under this Act, no party, nor any assignee of any party, to any contract on which any action or proceeding is brought, shall be allowed to testify on the trial of any such action or proceeding."

Upon Mr. Crandall's amendment, the roll was called and the amendment lost by the following vote:

AYES—Messrs. Crandall, Langford, and Murphy—3.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

RECESS.

At five o'clock, on motion of Mr. Greely, the Senate took a recess until eight o'clock P. M.

So ordered.

REASSEMBLED.

At eight o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names :

MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Preston, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

REPORT OF STANDING COMMITTEE.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bills Nos. 165 and 203—have had the same under consideration, and respectfully report the same back, without recommendation.

They have also had Assembly Bill No. 50 under consideration, and respectfully report the same back, and recommend that it do pass.

YELL, Chairman.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 58—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Passed on file.

Senate Bill No. 197—An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecutions for murder, the embezzlement of public moneys, and the falsifications of public records must be commenced.

Read second time, ordered engrossed and to a third reading.

Mr. Wilson moved to withdraw Senate Bill No. 16 (No. 33 on file) and substitute in lieu thereof Senate Bill No. 314 (No. 190 on file).

So ordered.

Senate Bill No. 314 passed on file.

Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Amended by committee, as follows:

In section four, line one, strike out the word "Supreme" and insert in lieu thereof the word "Superior."

Adopted.

Also, in section eight add the following: "There shall be appointed by the Judge of each department of said Court a stenographer, who shall receive for his services the pay now allowed by law."

Adopted.

Senate Bill No. 207 read second time, ordered engrossed and to a third reading.

Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Amended by committee, as follows:

In section one, line one, strike out the word "and" and insert in lieu thereof the word "or."

Adopted.

Also, in line four, section one, strike out the word "and" and insert the word "or."

Adopted.

Also, in line one, section two, after the word "such" insert the word "professional."

Adopted.

Also, in line two, section three, strike out the word "and" and insert the word "or."

Adopted.

Also, in line seven, section five, strike out the word "dollars."

Adopted.

Also, in section five, line seven, strike out from and including the word "or" down to and including the word "imprisonment," in line nine.

Adopted.

Also, in line eight, section three, strike out the word "and" and insert the word "or."

Adopted.

Mr. Dray moved to strike out section six.

So ordered.

Bill, as amended, ordered to engrossment and third reading.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Williams: Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies.

Referred to Committee on Judiciary.

MOTION.

Mr. Jones moved to adopt the substitute for Senate Bill No. 225.
So ordered.

Substitute for Senate Bill No. 225 read second time, and ordered to engrossment and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 62—An Act to create a police relief and pension fund in the several counties, cities and counties, cities, and towns of the State.

Amendments by committee:

Amend section two, line five, of printed bill, by striking out the word "August" and substituting in lieu thereof the word "June."

Adopted.

Amend section three, line five, page two of printed bill, by inserting after the word "shall" the words "be empowered to."

Adopted.

Amend section four, line seven, page two of printed bill, by striking out in said line the words "for one year next."

Adopted.

Amend section seven, line seven, page three of printed bill, after the second word "of," in said line, by inserting the words "great public."

Adopted.

Amend section eight, line two, page three of printed bill, by striking out, after the word "any," the words "crime or misdemeanor" and inserting the word "felony."

Adopted.

Amend section ten, on page four, in lines seven and eight of printed bill, by striking out all of said lines.

Adopted.

Amend section ten, on page four, line nine of printed bill, by striking out the word "third" and inserting the word "second," and after the word "to" insert the words "appoint a Secretary, and to."

Adopted.

Amend section ten, in line ten, page four of printed bill, by striking out the word "Clerk" and inserting the word "Secretary" in lieu thereof.

Adopted.

Amend section ten, line twelve, page four of printed bill, by striking out the word "fourth" and inserting the word "third."

Adopted.

Amend section eleven, in line sixteen, page five of printed bill, by striking out the word "fifty" and inserting the word "twenty-five."

Adopted.

Amend section eleven, in lines twenty, twenty-one, and twenty-two, page five of printed bill, by striking out all of said lines and substituting in lieu thereof the following:
"Ninth—The Treasurer of any county, city and county, city or town, shall retain from the pay of each member of the Police Department the sum of two dollars per month, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or deduction shall be made from such pay for any other fund or purpose whatever."

Adopted.

Amend section twelve, page five of printed bill, by striking out all of said section and substituting in lieu thereof the following:

SEC. 13. Any Police Life and Health Insurance Fund, or any fund provided by law heretofore existing in any county, city and county, city or town, for the relief or pensioning of police officers, or their life or health insurance, or for the payment of a sum of money on their death, shall be merged with, paid into and constitute a part of the fund created under the provisions of this Act, and no person who has resigned or been dismissed from said Police Department shall be entitled to any relief from such fund; *provided*, that any person who, within one year prior to the passage of this Act, has been dismissed from the Police Department for incompetency or inefficiency, and which incompetency or inefficiency was caused solely by sickness or disability contracted or suffered while in service as a member thereof, and who has, prior to said dismissal, served for twelve or more years as such member, shall be entitled to all the benefits of this Act.

Adopted.

By Mr. McGowan:

In section four, line three, strike out the word "shall," and insert in its stead the word "may."

Adopted.

By Mr. Murphy:

Amend section four, line six, by striking out after the word "pension," the words "not exceeding," and inserting the words "equal to," in lieu thereof.

Adopted.

Also, amend section four, line eight, by adding after the second word "cease" the following words: "and such person shall be restored to active service at the same salary he received at the time of his retirement."

Adopted.

Also, amend on page three of printed bill, by adding thereto a new section, to follow section six, to be known as section seven, as follows:

"SEC. 7. Whenever any member of the Police Department of such county, city or county, city, or town shall, after ten years and less than twenty years of service, die from natural causes, then his widow or children, or if there be no widow or children, then his mother or unmarried sisters shall be entitled to the sum of one thousand dollars from such fund."

Adopted.

Also, add a new section after section fourteen, to be known as section fifteen, as follows: "SEC. 15. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed."

Adopted.

Also, rearrange the numbers of the sections, so as to be in regular sequence.

Adopted.

Senate Bill No. 62 read second time, ordered engrossed and to a third reading.

Senate Bill No. 350—An Act to prevent deception in the sales of dairy products, and to preserve the public health.

Passed on file.

Senate Bill No. 294 was withdrawn, and Assembly Bill No. 72 substituted in lieu thereof.

Assembly Bill No. 72 passed on file.

Senate Bill No. 406 passed on file.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within

their jurisdiction, along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 85 passed on file.

Senate Bill No. 214—An Act to add three new sections to the Penal Code, to be known as sections two hundred and ninety-nine, three hundred, and three hundred and one, respectively, relative to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

MOTIONS.

Mr. Moffitt moved that Senate Bill No. 214 be refused a second reading.

Mr. Roth moved the previous question.

Lost.

Mr. Moffitt moved the previous question.

So ordered.

RESOLUTION.

By Mr. Caminetti :

Resolved by the Senate, the Assembly concurring, That the Governor of the State of California be and he is hereby requested to forward by mail to our Senators and Congressmen any and all resolutions heretofore directed to be sent by telegraph, which are now in his hands; and be it further

Resolved, That a certified copy of these resolutions be transmitted to the Governor on the adoption hereof, by the Secretary of the Senate.

Adopted.

REPORT.

Resolved, That the sum of one thousand four hundred and thirty-six (\$1,436) dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to F. S. Sprague for the expenses incurred by him in the contested election case of G. P. Harding vs. F. S. Sprague, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of F. S. Sprague for said amount of one thousand four hundred and thirty-six (\$1,436) dollars.

Expenses of F. S. Sprague in contested election case of G. P. Harding vs. F. S. Sprague :

Traveling expenses for self and counsel from Woodland to Napa and while in Napa County attending contest.....	\$75 00
Board and living expenses while attending the taking of evidence, for self and counsel.....	100 00
Mr. Roberts, for transcribing pay roll.....	5 00
Expenses of counsel two (2) trips to Sacramento and living expenses while there..	35 00
Telegraphing.....	5 00
Eight witnesses.....	16 00
Counsel fees.....	1,200 00
Total.....	\$1,436 00

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

On the motion of Mr. Moffitt, to refuse Senate Bill No. 214 a second reading, the roll was called.

Mr. Mead explained his vote, stating that his constituents desired no Sunday law.

The motion prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, De Long, Dray, Flint, Fraser, Hamill, Jones, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, and White—22.

NOES—Messrs. Byrnes, Campbell, Conklin, Dargie, Dixon, Greely, Hinshaw, McComas, Preston, Spellacy, Welch, Williams, and Yell—13.

RESOLUTION.

By Mr. Campbell:

Resolved, That a committee of three be appointed by the President of the Senate to inquire into and ascertain if section six, of article ten, of the Constitution is now being violated in any of the State prisons of the State; that they shall have full power to send for persons and papers, and that they report by bill or otherwise.

MOTIONS.

Mr. Jones moved to adjourn.

Lost.

Mr. Caminetti moved to refer the resolution of Mr. Campbell to the Committee on State Prisons, to report on Monday.

Mr. Pinder moved to adjourn.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, Meany, Mollitt, Pinder, Roth, White, Williams, and Yell—21.

NOES—Messrs. Britt, Dargie, De Long, Flint, Greely, Hamill, McDonald, McGowan, Mead, Murphy, Sprague, and Welch—12.

ADJOURNMENT.

Thereupon, at eleven o'clock P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 21, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Mollitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, and White.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of February 19, 1889, approved.

PETITIONS.

By Mr. Heacock: Three petitions from the Woman's Christian Temperance Union—for the enactment of a Sabbath law, for an amendment to the Penal Code, and against the sale of tobacco to minors. [Signed by about three hundred and ninety-five names.]

Referred to Committee on Public Morals.

Also, a petition against the division of Los Angeles County, as follows:

LOS ANGELES, CALIFORNIA, February 19, 1889.

To S. M. White, Senate Chamber, Sacramento:

WHEREAS, It is apparent to this Board that a large majority of the taxpayers of this county are opposed to the dismemberment of the county at the present time, and believing that such action is at least premature, and should be deferred until after the next census; therefore,

Resolved, That our representatives in the Senate be and are instructed to use their best efforts to defeat any measure for the division of this county.

By unanimous order of Board of Supervisors.

S. M. PERRY, Chairman.
CHAS. DUNSMOOR, Clerk.

(Please distribute.)

IN FAVOR OF A SUNDAY LAW.

Mr. Heacock desired his name recorded as being in favor of the passage of Senate Bill No. 214, in regard to the Sunday law.

MOTION.

Mr. Goucher moved that a committee of three be appointed by the President, with instructions to investigate certain matters in connection with the office of the State Engineer, and report to the Senate at as early a day as possible.

Adopted.

REPORTS OF STANDING COMMITTEES.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 433—An Act to provide for the destruction of seals and sea lions, and to authorize a bounty to be given by the State to encourage such destruction to any person who shall kill a sea lion in the waters of the State of California—have had the same under consideration, and respectfully report the same back, without recommendation.

PINDER, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 322—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, and two thousand four hundred and sixty-six of the Political Code, relating to pilots and pilot regulations.

Also, Senate Bill No. 256—An Act to amend section two thousand four hundred and sixty-seven of the Political Code, relating to charges for towage.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SPELLACY, Chairman.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 10—Relative to rebellion war claims of this State—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BRITT, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 454—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 355, 84, 259, 296, and 327, and Substitute for Senate Bill No. 135.

HAMILL, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 597—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporation and the pleadings and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

Also, Senate Bill No. 580—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Have had the same under consideration, and respectfully report the same back, with-out recommendation.

JONES, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Finance report a resolution, relative to Col. A. Andrews, and recommend that it be adopted.

MOFFITT, Chairman.

Senate Concurrent Resolution No. 18. Relative to meritorious service rendered to the State of California by Colonel A. Andrews.

Whereas, Colonel A. Andrews was appointed by the President of the United States Commissioner for California to the New Orleans Cotton Centennial Exposition, and in pursuance of that appointment attended the Exposition, representing this State in a highly creditable manner, and at the close of the Exposition returned to the Treasurer of State two thousand eight hundred dollars of the ten thousand dollars appropriated by the Legislature of California; therefore, in acknowledgment of this progressive, patriotic, and exemplary public service, be it

Resolved by the Senate, the Assembly concurring, That the thanks of the commonwealth of California be given to Colonel A. Andrews.

Resolved, That the Governor be requested to forward to Colonel A. Andrews an official copy of these resolutions.

On file.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following mileage account:

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Education respectfully report that the number of miles traveled by each member of said committee who visited the Normal School at San José, Lick Observatory, University of California, and Normal School at Chico, is as follows:

To the Observatory, Normal School at San José, and University of California:	
Senator Preston	314 miles.
Senator Flint	314 miles.
Senator Conklin	258 miles.
Senator Caminetti	258 miles.
Miss Sadie E. Auklin, Clerk	314 miles.
To the Normal School at Chico:	
Senator Jones	180 miles.
Senator Flint	180 miles.
Senator Conklin	180 miles.
Senator Caminetti	180 miles.
Miss Sadie E. Auklin, Clerk	180 miles.

To the Observatory, sub-committee of Committee on Education:

Senator Preston	314 miles.
Senator Conklin	314 miles.
Senator Caminetti	314 miles.

Respectfully submitted.

CAMINETTI, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate in favor of each of the following named members of the Senate Committee on Education, and the Clerk thereof, in the amount set opposite their respective names, for mileage to places enumerated:

To the Observatory, Normal School at San José, and University of California:	
Senator Preston, 314 miles.....	\$31 40
Senator Flint, 314 miles.....	31 40
Senator Conklin, 258 miles.....	25 80
Senator Caminetti, 258 miles.....	25 80
Miss Sadie E. Auklin, Clerk, 314 miles.....	31 40

To the Normal School at Chico:	
Senator Jones, 180 miles.....	18 00
Senator Flint, 180 miles.....	18 00
Senator Conklin, 180 miles.....	18 00
Senator Caminetti, 180 miles.....	18 00
Miss Sadie E. Auklin, Clerk, 180 miles.....	18 00

To the Observatory, sub-committee of Committee on Education:	
Senator Preston, 314 miles.....	31 40
Senator Conklin, 314 miles.....	31 40
Senator Caminetti, 314 miles.....	31 40

MURPHY, Chairman.

Adopted.

RESOLUTION.

By Mr. Murphy:

Resolved, That Senator George J. Campbell, who was appointed a special committee to investigate the affairs of the officers charged with the building of the Northern Branch State Normal School, be and he is hereby allowed the sum of nineteen dollars and twenty cents, for one hundred and ninety-two miles traveled, and the Controller is hereby directed to draw his warrant in favor of Senator Campbell for said sum of nineteen dollars and twenty cents, payable out of the Contingent Fund of the Senate.

Adopted.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That W. E. Doan be and he is hereby allowed the sum of seventy dollars, payable out of the Contingent Fund of the Senate, for services rendered the Committee on Elections as stenographer, and the Controller is hereby directed to draw his warrant for said sum.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That the Controller of State be and is hereby authorized and directed to draw his warrant in favor of B. F. Langford for mileage account of Senate Committee on Harbors, Rivers, and Coast Defenses, for the sum of one hundred dollars and eighty cents, as per statement herewith:

Senator Spellacy, to San Francisco and return.....	\$16 80
Senator Hamill, to San Francisco and return.....	16 80
Senator Bowers, to San Francisco and return.....	16 80
Senator Banks, to San Francisco and return.....	16 80
Senator Langford, to San Francisco and return.....	16 80
Clerk Chapman, to San Francisco and return.....	16 80
Total.....	\$100 80

LANGFORD, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the exception of Senator Langford's name.

Adopted.

Also :

Resolved, That the Controller be and he hereby is directed to draw his warrant on the Contingent Fund of the Senate in favor A. H. Washburn for the sum of one hundred dollars, being for bringing four persons from the Yosemite Valley to Raymonds, and back, as per voucher attached signed by Hon. A. J. Meany, Chairman of the Committee on Forestry, and Yosemite Valley, and Mariposa Big Tree Grove, the services having been ordered by said committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1889.

MR. PRESIDENT: Your Committee on Forestry, and Yosemite Valley, and Mariposa Big Tree Grove report that they have visited the new forest station at Merced, and the following members of the committee are entitled to mileage, viz: Messrs. Roth, Hamill, Fraser, and Meany, and we recommend the adoption of the following resolution, viz:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Expense Fund of the Senate in favor of Senator Meany, the Chairman of the Committee on Forestry, and Yosemite Valley, and Mariposa Big Tree Grove, for the sum of one hundred and twelve dollars, being the sum of twenty-eight dollars for each member of the committee who attended.

MEANY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of one hundred and fifty-three dollars for reporting and transcribing testimony taken before the Committee on Claims, and the Controller is hereby directed to draw his warrant for said sum, to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That P. R. Gallison be and he is hereby allowed the sum of one hundred and forty-four dollars, for services rendered the Sergeant-at-Arms of the Senate in subpoenaing witnesses in the matter of the investigation pending before the Senate standing Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove, and the Controller of State is hereby directed to draw his warrant for said amount in favor of P. R. Gallison out of the Contingent Expense Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also :

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on State Hospitals report the number of miles traveled during their visit to the Asylum for the Deaf, Dumb, and Blind, located at Berkeley:

Senator Mead, 172 miles.....	\$17 00
Senator Byrnes, 172 miles.....	17 00
Senator Briceland, 172 miles.....	17 00
Clerk of Committee, 172 miles.....	17 00
Total.....	\$68 00

BRICELAND, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That a weekly history of all Senate bills introduced be prepared, and that said history show the status, standing, and position of each Senate Bill at the issuance of such history; that a printed copy thereof be placed upon each member's desk every Monday during the session of the Legislature; that Mrs. J. V. David be and she is hereby appointed the Clerk to so prepare such history and perform the duties required by this resolution, at the same per diem as is paid the Assistant Journal Clerk, said per diem being payable out of the appropriation for the contingent expenses of the Senate.

Have had the same under consideration, and respectfully report the same back, and the majority recommend that it be adopted.

MURPHY, Chairman.

RESOLUTION.

Mr. Heacock offered the following substitute for the last part of the committee's report, and moved its adoption:

Resolved, That the Secretary of the Senate be and he hereby is directed to compile a semi-weekly history of Senate Bills, Constitutional Amendments, and Concurrent and Joint Resolutions, to be issued on Monday and Thursday of each week; and that he be empowered to employ a competent person to perform said work, at a compensation to be hereafter fixed by the Senate.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, White, and Williams—25.
 NOES—Messrs. Banks, Dargie, Dixon, Fraser, McComas, Welch, and Wilson—7.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Prisons and Prison Buildings respectfully report the following mileage account of said committee on its authorized visit to Folsom Prison February 9, 1889:

Senator Goucher, 46 miles.....	\$4 60
Senator Heacock, 46 miles.....	4 60
Senator Wilson, 46 miles.....	4 60
Senator McComas, 46 miles.....	4 60
Senator Caminetti, 46 miles.....	4 60
J. A. Filcher, Clerk, 46 miles.....	4 60

GOUCHER, Chairman.

RESOLUTIONS.

Mr. De Long offered the following resolution:

Resolved, That when the Senate adjourns this afternoon that it does so to meet at ten o'clock on Saturday morning.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Bowers, Briceland, Caminetti, Crandall, De Long, Dixon, Flint, Goucher, Greely, Heacock, Hinshaw, McGowan, Moffitt, Preston, Sprague, and White—16.
 NOES—Messrs. Banks, Boggs, Britt, Byrnes, Campbell, Conklin, Dargie, Dray, Fraser, Hamill, Jones, Langford, McComas, McDonald, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, Williams, and Wilson—23.

Mr. Murphy offered the following Senate Concurrent Resolution, and moved its adoption:

Resolved by the Senate, the Assembly concurring, That when the Senate and Assembly adjourn this day they adjourn in honor of the anniversary of the birthday of the father of his country, the immortal George Washington, to meet on Monday morning next, at ten o'clock.

The same was adopted by the following vote:

AYES—Messrs. Banks, Baggs, Briceland, Britt, Byrnes, Campbell, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamall, Jones, Langford, McGowan, McDonald, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, Williams, and Wilson—26.

NOES—Messrs. Bowers, Caminetti, Conklin, Randall, Dixon, Goucher, Heacock, Hinshaw, McGowan, Moffitt, Preston, Sprague, and White—13.

REPORT OF SPECIAL COMMITTEE.

Pursuant to action of Senate on February nineteenth, Mr. Heacock moved that the bills reported by the special committee be read a first time and placed at head of second-reading file.

So ordered.

FIRST READING OF BILLS.

Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties and fix their compensation, and making appropriation therefor.

Ordered to second reading.

Senate Bill No. 626—An Act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

Ordered to second reading.

SENATE CONCURRENT RESOLUTION No. 11.

Mr. Mead called up the resolution heretofore offered by him:

Senate Concurrent Resolution No. 11—Requesting our Representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the Sacramento and Feather Rivers, in California, from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

The committee recommended the following amendments:

Amend title by inserting after the word "Feather," where it first occurs therein, the words "and San Joaquin."

Also, insert after the word "Sacramento," where it occurs in said title, the following: "and from the head of navigation on said San Joaquin River."

Also, insert after the word "Feather," in line one of preamble, printed copy, the words "and San Joaquin."

Also, after the word "Sacramento," in line five of said preamble, printed copy, the words "and San Joaquin."

Also, insert after the word "Feather," line four of first resolution, the words "and San Joaquin."

Strike out the word "and" where it first occurs in title.

Strike out the word "and" where it first occurs in line one of preamble.

Strike out the word "Valley," in line five of preamble, and insert the word "Valleys."

Strike out the word "and" where it first occurs in line four of first resolution.

Ordered printed, as amended.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 527—An Act to declare transactions by which pawnbrokers pay money to persons, in consideration of the delivery to them of a specified personal property, to be loans, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 618, 164, 197, and 207.

HAMILL, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 489—An Act to require persons and corporations owning or operating street railroads upon or over which cars are propelled by means of wire ropes or other machinery running underground and propelled by stationary or other engines through or over the streets of cities, cities and counties, or towns, to file statement of annual profits; and providing for the payment and collection of a license for conducting such business.

Also, Senate Bill No. 488—An Act requiring corporations and persons doing a banking business in this State to file with the Controller of State statements showing moneys on deposit with them to which no claims have been made within ten years, and authorizing the Attorney-General to institute proceedings to ascertain its ownership.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bill No. 345—An Act to amend sections four hundred and nineteen and four hundred and twenty of the Civil Code, relating to insurance corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

GOUCHER, Chairman.

CONCURRENT RESOLUTION.

By Mr. Welch:

WHEREAS, The boilermakers of the Pacific Coast are now engaged in a patriotic struggle to protect the interests of our State and country, and to encourage the development of our home industries, against the avarice of the Risdon Iron and Locomotive Works and other foreign contractors, in the matter of importing finished iron work which could be produced and can be produced by our own resident mechanics and laborers: therefore, be it

Resolved by the Senate, the Assembly concurring, That the boilermakers have our full and sincere sympathy in their present contest with the Risdon Iron and Locomotive Works of San Francisco, and that in their said contest they are entitled to the moral support and encouragement of all patriotic citizens of California.

Adopted.

MILEAGE REPORT OF COMMITTEE ON CLAIMS.

The Committee on Claims respectfully report that the following named witnesses are entitled to mileage as follows:

R. Pacheco	\$16 80
Thomas Beck	16 80
J. A. Johnson	16 80
Total.....	\$50 40

MEANY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that several concurrent resolutions have in due course of legislation reached the Executive office, the subject-matter of which I have been requested to immediately forward by telegraph to each of our Senators and Representatives in Congress. This I would gladly do in deference to your wishes, but I have not the means at my personal command to do so; neither is there any fund from which I can draw to meet such expenditures, and the telegraph company will not forward them gratuitously. I am only allowed five hundred dollars per annum for all the telegraph, postal, and express service in connection with the Executive office, and in that at the present time there is but a small balance remaining, and the demands of the office until June thirtieth are to be met with that sum, whatever it may be. I respectfully ask

your honorable body to take some immediate action in regard to this matter, so that your action may be communicated to our Representatives in Congress. The expense for telegraphing Committee Substitute for Concurrent Resolution No. 4 amounts to two hundred and twenty-eight dollars and twenty-two cents, and a resolution already forwarded reaches about the same amount, the two involving four hundred and fifty-six dollars and forty-four cents. Should all the actions referred to, now before the Legislature, reach maturity, it would be necessary to provide for a fund of not less than twenty-five hundred dollars.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 92—An Act to encourage and provide for a general vaccination in the State of California.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 20, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 190—An Act entitled "An Act to establish a branch insane asylum for the insane of the State of California, at Ukiah, to be known as the Mendocino State Insane Asylum, and appropriating money therefor."

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 45—An Act to amend "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1875, and amended by an Act approved March 10, 1887.

Also, concurred in the following resolution:

Resolved by the Senate, the Assembly concurring. That the sum of sixty dollars be appropriated out of the Contingent Funds of the Senate and Assembly, in equal parts, to provide gaslights at the lower tier of steps leading from the Capitol building.

ED. E. LEAKE, Chief Clerk.

MOTION.

Mr. Goucher moved that Senate Bill No. 403 (No. 382 on file) be withdrawn, and Assembly Bill No. 45 be substituted therefor on file.

So ordered.

PETITION—(OUT OF ORDER).

By Mr. Roth:

To the honorable Senate and House of Representatives of the State of California, in Legislature assembled:

The undersigned petitioners, residents and taxpayers of the County of Tulare, respectfully represent that they believe it would be to the greatest good of the State if an equitable and sufficient system of irrigation by means of water storage and proper methods of distribution were established, for the following reasons:

First—Wheat raising has so exhausted the fertility of the land that crops have become less and expenses greater per acre, in addition to the effect of dry years, whereby farmers are yearly becoming deeper involved in debt, and thus crippled in their operations.

Second—With the aid of water, land can be so improved that it will be once more placed on a paying basis, and will also be enriched by the growth of alfalfa and grazing of stock.

Third—By the increased acreage of valuable land, now almost if not quite worthless, which can be converted into orchards, vineyards, pastures, and the various resources of diversified farming which the spirit of the age demands.

And further, the farmers of this State being unable to accomplish this great good without aid and assistance, they therefore respectfully solicit you to grant the petition presented to you, asking the Legislature to enact a law whereby such aid and assistance can be rendered in establishing a thorough system of irrigation at as early a date as possible.

[Signed by one hundred and fifty names.]

TULARE, February 4, 1889.

Referred to Committee on Irrigation

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 598—An Act to appropriate the sum of eighty thousand dollars for the building of a Medical College in the City and County of San Francisco, to be a part of the University of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRICELAND, Chairman.

INTRODUCTION OF BILLS.

Bills were introduced, read by title, and referred to committees, as follows:

By Special Committee: Senate Bill No. 625—An Act to provide for the appointment of a Veterinary Surgeon and assistants, to prescribe their duties, fix their compensation, and making appropriation therefor.

On file.

Read first time, and ordered at the head of second-reading file.

Also, Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

On file.

Read first time, and ordered at the head of second-reading file.

By Mr. Crandall: Senate Bill No. 627—An Act to amend section five hundred and thirty-seven of the Code of Civil Procedure, relative to attachments.

Referred to Committee on Judiciary.

By Mr. Hamill: Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give serving directors power to settle the affairs of such corporations.

Referred to Committee on Judiciary.

By Mr. Wilson: Senate Bill No. 629—An Act to recognize the Veterans' Home at Yountville as a State Home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said Home.

Referred to Committee on Military Affairs.

By Mr. Goucher: Senate Bill No. 630—An Act making an appropriation to pay the claim of Charles Anderson, executor of the estate of George Anderson, deceased, for labor performed in the Yosemite Valley.

Referred to Committee on Claims.

PETITION—(OUT OF ORDER).

By Mr. White:

To the Senate and Assembly of the State of California:

Your memorialists, the State Board of Trade of California, and representing affiliated Boards of Trade in Nevada and Oregon, beg leave to memorialize your honorable bodies, and for cause of petition respectfully represent that the citrus industry has reached important proportions, and is capable of almost unlimited expansion. It has been the policy of the State of California for more than thirty years to secure an annual exhibition illustrative of the progress made in all agricultural, horticultural, mechanical, and artistic advancement. The season of the year in which the exhibition of the State Board of Agriculture can most appropriately be held is not that season most appropriate for an annual exhibition of citrus products. Growing out of this the citrus industry of the State of California is not receiving at the hands of the State Board of Agriculture that

fostering care accorded to other field culture, and it is to remedy this defect that your memorialists, the State Board of Trade, solicit at your hands an appropriation of five thousand (\$5,000) dollars per annum, in favor of the State Board of Agriculture, for the purpose of securing a State Citrus Fair, and thus secure to that industry the broadest advertisement and that higher encouragement, which its present and growing importance appears to us to demand.

After careful and just consideration of this subject between the State Board of Agriculture and the State Board of Trade, your memorialists, at a regular meeting, held on Tuesday, February 18, 1889, it was unanimously resolved that this State Board of Trade respectfully memorialize the Legislature, calling attention to the necessity for a special appropriation on behalf of an annual exhibition of the citrus products of California, which appropriation shall be made exclusively for the benefit of the citrus industry, and shall be available for no other purpose whatever.

As in duty bound, your petitioners will ever pray.

A. T. HATCH, President State Board of Trade.
JOHN Q. BROWN, General Manager State Board of Trade.
J. M. DAVIES, Secretary State Board of Trade.

SPECIAL FILE.

Senate Constitutional Amendment No 11—To propose an amendment to section ten, of article thirteen, of the Constitution of the State of California.

Amended by committee, and ordered printed, as amended.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 618—An Act making an appropriation to pay the expenses of telegraphing by the Governor.

Withdrawn by author.

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock and the increase of the bonded indebtedness of corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Sprague, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

Senate Bill No. 316—An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any district agricultural society, can be drawn from the State Treasury.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—Messrs. Langford, McDonald, Moffitt, and Murphy—4.

Title read and approved.

Senate Bill No. 120 withdrawn by author.

Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Passed on file.

Senate Bill No. 135—An Act authorizing and empowering the Board of Supervisors of the several counties of this State to prevent and eradicate

infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Flint, Goucher, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Welch, White, and Williams—24.

NOES—Messrs. Boggs, Briceland, De Long, Fraser, Greely, Jones, and Langford—7.

Title read and approved.

Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Campbell, Crandall, Dargie, and McGowan—4.

Title read and approved.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Wilson: Senate Bill No. 631—An Act to establish a State Normal School in the City and County of San Francisco.

Referred to Committee on Agriculture.

RECESS.

The hour of twelve o'clock having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Mr. Wilson in the chair.

RESOLUTION.

Mr. Goucher introduced the following resolution:

WHEREAS, Publicity has recently been given to certain letters alleged to have been written by prominent officials connected with the State Prison management in this State; and whereas, said letters appear to indicate mismanagement, and possibly dishonesty, in connection with State Prison affairs; and whereas, it is the duty of the Senate Committee on Prisons and Prison Buildings to examine and report to the Senate upon all matters relating to said institutions; therefore, be it

Resolved, That the Committee on Prisons and Prison Buildings be directed and fully authorized to enter at once upon a thorough investigation, touching the authenticity and

meaning of said letters, and to investigate all charges against State Prison management, and thereafter, at as early a date as practicable, to report to the Senate.

Resolved, That said committee be and it is hereby authorized to send for all persons and papers necessary to a full investigation upon the matters herein named.

Resolved, That said committee, in its discretion, may employ a shorthand reporter to take evidence that may be heard by said committee in the course of the aforesaid investigation.

The resolution was adopted by the following vote:

AYES—Messrs. Banks, Bogg's, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—40.

NONE—None.

LEAVE OF ABSENCE.

Mr. Bowers was granted leave of absence for the day.

Mr. White in the chair.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California.

Also, Senate Concurrent Resolution No. 7—Relative to memorializing Congress to grant to the City of Oakland the north arm of the estuary of San Antonio, for the sanitary improvement of the city.

And have this day delivered them to the Governor.

MEAD, Chairman.

MOTION.

Mr. Crandall was, upon motion of Mr. Wilson, added to the Committee on Military Affairs.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf, under the control of the Board of State Harbor Commissioners.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Williams, Wilson, and Yell—27.

NOES—Messrs. Goucher, Sprague, and White—3.

Title read and approved.

Senate Bill No. 296—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Read third time.

MOTION.

Mr. Moffitt moved that the special order set for this hour, the consideration of the Governor's appointments, be postponed until Thursday, February 28, 1889, at the same time.

So ordered.

LEAVE OF ABSENCE.

Messrs. Wilson and Flint were granted leave of absence.

CALL OF THE SENATE.

Mr. De Long moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams.

Mr. De Long moved that further proceedings under the call be dispensed with.

So ordered.

SENATE BILL No. 296 PASSED.

The question recurring upon Senate Bill No. 296, the same was passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dray, Fraser, Goucher, Greely, Hamill, Hinshaw, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, and Sprague—25.

NOES—Messrs. Briceland, Caminetti, Dixon, Heacock, Mead, Welch, White, and Williams—8.

EXPLANATION OF VOTE.

Mr. White explained his vote, as follows:

I object to allowing the bill. The State is prohibited from making presents. There is no record of any contract made by the Governor. His verbal declaration made after he went out of office amounts to nothing. He does not breathe the seal of State either in or out of office, and cannot bind the State except in cases prescribed by law. The Board of Examiners have never allowed the claim. The claim is unsupported by any evidence.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Goucher gave notice, that on the next day this Senate meets, he would move to reconsider the vote by which Senate Bill No. 296 passed the Senate.

MOTION.

Mr. Meany moved to make Senate Bill No. 46 a special order for Monday next, at three o'clock P. M.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 197—An Act to amend sections seven hundred and ninety-nine and eight hundred of the Penal Code, relating to the limitation of time within which prosecutions for murder, the embezzlement of public moneys, and the falsifications of public records must be commenced.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, and White—29.

NOES—None.

Title read and approved.

Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Murphy, Preston, Spellacy, Welch, and White—23.

NOES—Mr. Crandall—1.

Title read and approved.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Mr. Murphy moved to commit the bill to a committee of one, consisting of Mr. Caminetti, to report on Monday.

So ordered.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 18—With regard to passage by Congress of appropriation for the preservation of the flagship "Hartford."

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Concurrent Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the following Concurrent Resolution:

Resolved, by the Senate, the Assembly concurring, That when the Legislature adjourns this day it do so in honor of to-morrow's anniversary of the birth of the father of his country, the immortal George Washington, and that such adjournment continue until Monday, February twenty-fifth, at ten o'clock A. M.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTIONS.

Mr. Dixon moved that Senate Bill No. 528 be withdrawn and Assembly Bill No. 498 be substituted therefor.

So ordered.

Mr. White moved that Senate Bill No. 490 be withdrawn and Assembly Bill No. 62 be substituted therefor.

So ordered.

Mr. Caminetti moved that Assembly Bill No. 62 be made the special order for Monday next, at four o'clock P. M.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 498—An Act to amend an Act entitled "An Act for the protection of preemption and homestead claimants," approved March 23, 1871.

Also, Assembly Bill No. 62—An Act to provide for the erection and management of a State hospital for the insane, to be located in Southern California.

Also, Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bill No. 8 ordered to enrollment.

SECOND READING OF BILLS.

Senate Bill No. 350—An Act to prevent deception in the sales of dairy products, and to preserve the public health.

Mr. Byrnes offered a substitute for the bill, which was adopted.

Substitute read second time, ordered engrossed and to a third reading.

Senate Bill No. 264 withdrawn by author.

Senate Bill No. 362—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 184—An Act to appropriate money for the relief of J. C. Doherty.

Passed on file.

Senate Bill No. 285—An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885.

Mr. Langford moved to amend by making the sum two hundred dollars.

Mr. Caminetti moved, as an amendment to the amendment, that the sum be made five hundred dollars.

Lost.

Question recurring upon Mr. Langford's amendment, the same was lost.

Bill ordered engrossed and to a third reading.

LEAVE OF ABSENCE.

Mr. Roth granted leave of absence.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Constitutional Amendment No. 11; Senate Bills Nos. 225, 62, and 127.

LEAVE OF ABSENCE.

Page Mooser was granted leave of absence.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings, to whom was referred Senate Bill No. 117—An Act to define, regulate, and govern the State Prisons of California—have had the same under consideration, have adopted certain amendments thereto, and now report the same back, and recommend that it pass, as amended.

Also, Senate Bill No. 513—An Act appropriating the sum of twelve thousand dollars to purchase lands to erect buildings and furnish the same for the use of the inmates of the Home of Industry and Refuge for ex-Convicts—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 514—An Act establishing a Home of Industry and Refuge for ex-Convicts of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of ten thousand dollars for the support of said Home—have had the same under consideration, and report the same back, without recommendation.

Also, Senate Bill No. 579—An Act to provide for the appointment of a Board of Commissioners of Penal and Charitable Institutions, and defining their duties and powers, and prescribing their compensation—have had the same under consideration, and report the same back, without recommendation.

GOUCHER, Chairman.

LEAVE OF ABSENCE.

Messrs. Byrnes, Pinder, and Spellacy were granted leave of absence to visit San Diego Harbor.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 325—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

Passed on file.

Senate Bill No. 364—An Act to pay the claim of William Pyburn, his heirs or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Passed on file.

MOTION.

Mr. Britt moved that Senate Bill No. 10 be withdrawn, and that Assembly Bill No. 262 be substituted therefor, and that it be read a first time.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Read first time.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers to license engineers of portable and stationary steam engines and boilers—to establish the duties and compensation of said Board.

Passed on file.

Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of An Act entitled "An Act to establish a Political Code," approved

March 12, 1872, in relation to salaries of the officers and employés of the Senate and Assembly.

Passed on file.

Senate Bill No. 441—An Act to amend section eight hundred and seventy-two of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses.

Read second time, ordered engrossed and to a third reading.

WITHDRAWAL OF MOTION.

Mr. Goucher withdrew his motion of reconsideration of the vote whereby Senate Bill No. 296 passed the Senate.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Mr. Langford moved to amend the title by striking out "4493" and inserting "3493" instead.

Adopted.

Section one of the bill was amended in the same particular.

Bill ordered engrossed and to a third reading.

Senate Bill No. 380—An Act to add a new section to title three, part two, division four, of the Civil Code of this State, relating to assignments for the benefit of creditors.

Bill read second time, ordered engrossed and to a third reading.

Mr. Pinder moved to have Mr. Welch's name added to the Committee on Commerce and Navigation.

So ordered.

RESOLUTIONS.

Mr. Pinder offered the following resolution:

Resolved, That the Committee on State Prisons and Prison Buildings be allowed to appoint a Sergeant-at-Arms for the committee during the investigations of said prisons, at a per diem of five dollars.

Adopted.

By Mr. Williams:

Resolved, That M. B. Beattie be allowed the sum of eight dollars, payable out of the Contingent Fund of the Senate, for services performed as clerk of the special committee appointed to consider all bills relative to cattle plague, etc., the said Beattie having worked the entire night in engrossing the substitute bills reported by such committee to the Senate.

Adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 279—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WHITE, Acting Chairman.

RECESS.

At five o'clock, upon motion of Mr. Moffitt, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, White, and Williams.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 62—An Act to create a police relief and pension fund in the several counties, cities and counties, and towns of the State.

MOTION.

Mr. Caminetti moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requested the return of the concurrent resolution, adopted this day, whereby both Houses agreed to adjourn until Monday.

ED. E. LEAKE, Chief Clerk.

MOTIONS.

Mr. Moffitt moved to return the concurrent resolution to the Assembly, as per request.

So ordered.

Mr. Moffitt moved that when the Senate adjourn to-night it do so to meet to-morrow, at twelve o'clock and fifteen minutes A. M.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 62 read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Caminetti, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Sprague, White, and Williams—21.

NOES—Mr. Conklin—1.

Mr. Murphy moved to amend title by striking out after the word "relief" the word "and," and inserting in lieu thereof the words "health and life insurance and."

Adopted.

Title, as amended, approved.

SECOND READING OF BILLS.

Senate Bill No. 156—An Act to amend section one thousand three hundred and thirteen of the Civil Code of the State of California, relating to wills.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 157—An Act to repeal sections one thousand and ninety-three, one thousand and ninety-four, one thousand one hundred and eighty-six, and one thousand one hundred and ninety-one of the Civil Code of the State of California, relating to acknowledgments of married women.

Read second time, and ordered to a third reading.

Senate Bill No. 158—An Act to amend section one thousand one hundred and eighty-seven of the Civil Code of the State of California, relating to conveyances by a married woman.

Read second time, and ordered to a third reading.

Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, at the City of Marysville, in the County of Yuba, to the opposite bank of said river, a free bridge.

Substitute adopted.

Substitute ordered to a third reading.

Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Passed on file.

Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers for school moneys left on deposit with him, aggregating the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

Passed on file.

Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Committee amendments, as follows:

Strike out the words "suits at law," in line one of section fifteen of the printed bill, and insert in lieu thereof the word "actions."

Adopted.

Also, strike out the word "effect," in line one, section eighteen of printed bill, and insert the word "affect."

Adopted.

Mr. Moffitt moved to strike out the word "transactions," and insert the word "transaction;" also, insert the word "of" after the word "transaction."

Adopted.

Mr. Preston moved to amend by inserting the word "for" after the word "description," in line two, section four.

Adopted.

Mr. Moffitt moved to amend by inserting in line four, section eight, the word "amounting."

Adopted.

Mr. Preston moved to amend in line two, section four, by striking out the word "who" and inserting the words "each of whom."

Adopted.

Mr. McComas moved to amend in line eight, section twelve, by striking out the words "here and after" and inserting the word "hereinafter."

Adopted.

Bill ordered engrossed and to a third reading.

Senate Bill No. 257—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and eight, relative to the sale of or furnishing of tobacco, and manufactures of tobacco, to persons under sixteen years of age.

Committee amendment, as follows:

In line four strike out the word "sixteen" and insert the word "fourteen."

Adopted.

Ordered to a third reading.

Senate Bill No. 313 passed on file.

Senate Bill No. 302 withdrawn by the author.

Senate Bill No. 153 passed on file.

Senate Bill No. 159 withdrawn by the author.

Senate Bills Nos. 247, 307, 308, 312, and 388 passed on file.

Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities, and towns to acquire, maintain, and improve public parks and boulevards.

Mr. Dargie moved to amend by striking out the words "eminent domain" and inserting the word and figure "part 3" at the end of section one.

Adopted.

Bill read second time and passed on file, temporarily.

Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Substitute adopted.

Mr. Caminetti moved to amend substitute, as follows:

Add at the end of section one the following: "The granite to be furnished by the Folsom State Prison."

Lost.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 388—An Act to create a commission, provide for its management, and for the appointment of members thereof, and to appropriate funds for an exhibit of the resources and products of the State of California, at London, England.

Read second time, and passed on file.

Senate Bill No. 248 passed on file.

Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valerro.

Substitute adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 163 passed on file.

Senate Bill No. 284—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Michael Cread.

Committee amendment:

In section one, line three, after the word "to" insert the word "consider," and after the word "pay," in section one, line three, insert the words "out of the San Francisco Harbor Improvement Fund."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Passed on file.

Senate Bill No. 215—An Act to appropriate money to pay the claim of Bartolo Sepulveda, his executors, administrators, or assigns, for unlawful imprisonment.

Mr. Murphy moved that the bill be refused a second reading.

So ordered.

Senate Bill No. 270—An Act providing for the payment to Louisa Koehler of damages for the loss of her husband, Herman Koehler, killed by a prisoner in the State Prison at San Quentin, California.

Passed on file.

Senate Bill No. 99—An Act to pay the claim of Enoch N. Strout.

Mr. Fraser moved to amend by striking out of section one, line one, the words "fifteen hundred," and inserting the words "two thousand."

Adopted.

Mr. Fraser offered the following amendment:

Amend section two by inserting after the word "sum," in line two, the following: "In favor of E. N. Strout or his assigns."

Adopted.

Senate Bill No. 100—An Act to authorize the Controller of State to issue duplicate Controller's warrant.

Passed on file.

Senate Bill No. 378 passed on file.

APPROVAL OF JOURNAL.

Journal of yesterday approved.

MOTION.

Mr. Greely moved that the duplicate list of Senate and Assembly Bills be printed for the use of the members.

So ordered.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 159—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Read second time, and ordered placed on third reading file.

LEAVE OF ABSENCE.

Mr. Briceland, on behalf of Committee on State Hospitals, moved that they be granted leave of absence to visit San Francisco on Saturday.

So ordered.

The Committee on Commissions was also granted leave of absence.
The San Francisco delegation was granted leave of absence to visit San Francisco and investigate damages done to property on Telegraph Hill.

INTRODUCTION OF BILL.

By Mr. Williams: Senate Bill No. 632—An Act to amend section one thousand five hundred and ten of the Penal Code, in relation to duties of Coroners.

Referred to Committee on Judiciary.

CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Moffitt, Murphy, Preston, White, and Williams.

The Sergeant-at-Arms appeared with Messrs. Meany and Mead at the bar of the Senate.

Upon motion of Mr. Greely, the Senators were excused.

Mr. Hamill moved that further proceedings under the call be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Caminetti, Fraser, Hamill, Heacock, McComas, and Murphy—7.

NOES—Messrs. Banks, Boggs, Conklin, Dargie, De Long, Dixon, Dray, Greely, Hinshaw, McDonald, Mead, Meany, Moffitt, Preston, White, and Williams—16.

The Sergeant-at-Arms reported Mr. Sprague at the bar of the Senate.

Mr. Moffitt moved that he be fined two dollars.

So ordered.

The fine was paid, and the judgment of the Senate satisfied.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Briceland, Caminetti, Conklin, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, McComas, McDonald, Meany, and Williams—13.

NOES—Messrs. Boggs, Dargie, De Long, Hamill, Mead, Moffitt, Murphy, Preston, Sprague, and White—11.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate Concurrent Resolution, relative to adjournment.

ED. E. LEAKE, Chief Clerk.

Mr. Greely moved that the Senate rescind its action on the concurrent resolution.

So ordered.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 119—An Act to prevent undue reductions of wages paid for labor by contractors for public work.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Referred to Committee on Labor and Capital.
Mr. Dray in the chair.

FIRST READING OF BILLS.

Senate Bill No. 562—An Act entitled "An Act to provide for the levy and collection of taxes by municipal corporations in all cities incorporated under the laws of the State, excepting cities of first, second, third, and fourth classes."

Senate Bill No. 569—An Act to readjust the salaries of County Superintendents of Schools in the State of California, and more fully define their duties.

Senate Bill No. 399—An Act to enable women to vote at elections for school officers and in matters pertaining solely to schools, and to qualify them to hold all educational offices.

Assembly Bill No. 197—An Act to authorize the establishment of county high schools and provide for their support.

Senate Bill No. 50—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new sections thereto, to be known, respectively, as sections five hundred and forty, five hundred and forty-one, and five hundred and forty-two.

Senate Bill No. 138—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to applicants for primary county certificates, and the studies in which said applicants shall be examined.

Senate Bill No. 134—An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school text-books.

Senate Bill No. 354—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section one thousand five hundred and twenty-one thereof, relating to the free printing of the State text-books.

Senate Bill No. 572—An Act to provide for the levy and collection of taxes by school districts incorporated under the laws of the State, excepting cities of the first, second, third, and fourth classes.

Senate Bill No. 167—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Senate Bill No. 14—An Act to amend section two thousand two hundred and ninety-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the appointment of the Board of Trustees of the State Library, and their term of office.

Senate Bill No. 329—An Act to enlarge the State Library by purchasing and adding thereto a library of history of the Pacific Coast, and to make an appropriation for said purchase.

Assembly Bill No. 74—An Act to amend section two thousand six hundred and fifty-three of the Political Code of the State of California, relating to public highways.

Senate Bill No. 561—An Act to aid, assist, and encourage the exhibition of the products of the State of California.

Senate Bill No. 35—An Act regulating the form of requisitions for stationery made by the members of the Legislature, and the officers and employés thereof, upon the Secretary of State.

Senate Bill No. 57—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine.

Senate Bill No. 119—An Act to amend the Political Code of the State of California by adding thereto a new section, in relation to reassessment of property in cases where a former assessment is invalid.

Senate Bill No. 576—An Act making an appropriation for the salary of the bookkeeper of the State Treasurer for the fortieth fiscal year.

Senate Bill No. 577—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of the State.

Senate Bill No. 155—An Act to amend section three hundred and sixty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the consolidation of corporations.

Assembly Bill No. 208—An Act making it a misdemeanor to advertise offering a divorce, or to aid therein.

Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to assessment for damages where the right of eminent domain is exercised.

Assembly Bill No. 39—An Act to regulate practice in certain cases.

Assembly Bill No. 292—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 4, 1872.

Assembly Bill No. 192—An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Senate Bill No. 189—An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds.

Senate Bill No. 483—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to rates of pilotage.

Senate Bill No. 421—An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro.

Assembly Bill No. 120—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same.

Senate Bill No. 593—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and twenty-five and one half, relating to offenses committed on public property of the State.

Senate Bill No. 178—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto.

Senate Bill No. 523—An Act prescribing the penalty for accepting a consideration or compensation for votes, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-three of said Penal Code.

Senate Bill No. 475—An Act to amend section three hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of the civil executive officers.

Senate Bill No. 395—An Act to regulate the manufacture of canned goods, to provide for the inspection of the same, and compel the stamping thereon of the place and date of canning, and to provide a penalty.

Senate Bill No. 495—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to chattel mortgages.

Senate Bill No. 408—An Act to amend sections one hundred and twenty-four, one hundred and twenty-five, and one hundred and twenty-six of an Act entitled "An Act to establish a uniform system of township and county governments," approved March 14, A. D. 1883, relating to the duties of County Recorders, and the books and records to be kept by such Recorders, and providing for a systematic classification of the records and documents in the custody of such Recorder.

Senate Bill No. 500—An Act providing for the seizure, confiscation, and sale of real and personal property of persons discovered residing within the State of California in violation of the provisions of the Act of Congress known as the "Scott Exclusion Act."

Senate Bill No. 130—An Act to add a new section to the Political Code, to be known as section three thousand eight hundred and ninety-nine *a*, providing for reassessments whenever, from any cause, any tax or assessment shall be declared invalid or void.

Senate Bill No. 588—An Act to amend an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons, approved April 1, 1878.

Senate Bill No. 486—An Act defining a day's labor on all public work in the State of California, and equalizing the remuneration therefor.

Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Senate Bill No. 398—An Act to repeal an Act entitled "An Act to declare the Klamath River navigable."

Senate Bill No. 560—An Act to grant to the United States certain tide lands, belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

Senate Bill No. 600—An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor.

Were severally read a first time, and placed on file for second reading.

AN ADDITION TO A COMMITTEE.

Upon motion of Mr. Dixon, Mr. Fraser was added to the Committee on Commissions.

CALL OF THE SENATE.

Mr. Caminetti moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

AYES.—Messrs. Banks, Boggs, Briceland, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, White, and Williams.

Mr. Caminetti moved that further proceedings under the call be dispensed with.

So ordered.

MOTIONS.

Mr. Caminetti moved that the order made setting the hour of meeting, previously set for meeting to-morrow morning, at twelve o'clock and fifteen minutes, be rescinded.

So ordered.

Mr. Caminetti moved the hour of meeting be at twelve o'clock and five minutes A. M. to-morrow.

So ordered.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M. the Senate adjourned in honor to the memory of George Washington, the father of his country.

IN SENATE.

SENATE CHAMBER, }
Friday, February 22, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Sprague, White, and Williams.

Quorum present.

MOTION.

Mr. Moffitt moved that when the Senate adjourns to-day it do so until Monday morning, at ten o'clock.

So ordered.

LEAVE OF ABSENCE.

Mr. Meany asked leave of absence until Monday, at twelve o'clock.
Granted.

ADJOURNMENT.

At twelve o'clock and fifteen minutes A. M., the Senate adjourned pursuant to Mr. Moffitt's motion.

IN SENATE.

SENATE CHAMBER.

Monday, February 25, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names.

Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 21, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 4—An Act to amend section seven hundred and thirty-seven of the Political Code, fixing and providing for the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Santa Cruz, San Mateo, Yuba and Sutter combined, Sacramento, Butte, Nevada, Sonoma, Colusa, Monterey, Santa Barbara, San Diego, Tulare, Fresno, Solano, Amador, San Bernardino, Kern, Placer, Humboldt, Marin, Mendocino, Tehama, El Dorado, Alpine, Stanislaus, and Calaveras.

R. W. WATERMAN, Governor.

RESOLUTION.

By Mr. Murphy :

The following preamble and resolution (which was passed unanimously) was introduced by Dr. Charles A. Clinton at the regular meeting of the Board of Health, held at San Francisco, February 21, 1889:

WHEREAS, The researches of your committee appointed by this Board have developed an unhealthy condition of the meat market of this city, diseased cattle being openly brought here for the purpose of being slaughtered and placed upon the markets for the consumption of your citizens, thereby endangering their lives; and whereas, there is a constant danger of contagion and even death existing from these abuses at South San Francisco, threatening at any moment an epidemic of most serious import; and whereas, there does exist an actual and startling necessity for a sufficient force of Inspectors necessary to eliminate from the markets this thoroughly dangerous material; and whereas, the Board's actions are circumscribed by its want of power to appoint an adequate force of Health and Market Inspectors to watch over and govern the sanitary condition of this city, and protect it from the invasion of diseased meat, vegetables, and impure milk, forced on the market through illegal channels by unscrupulous dealers; and whereas, your city has increased in population about twofold since the legal establishment of this Board, your Health and Market Inspectors have not only not been increased in like proportion, but have not been added to; and whereas, actual and immediate necessity for the sake of our city's preservation from imminent peril loudly demands it: be it

Resolved, That our Representatives and Senators now at Sacramento be and are hereby requested to impress upon the Legislature the grievous need of passing at the earliest practicable moment a bill for a more efficient sanitary protection.

INTRODUCTION OF BILLS.

By Mr. Murphy: Senate Bill No. 633—An Act to provide for the appointment of Health Inspectors and Market Inspectors in each municipality of this State having fifty thousand inhabitants and over that number, providing how such Inspectors shall be appointed and designated as officers of such municipality, and prescribing the duties and fixing the compensation of such Inspectors.

Read first time, and placed on file for second reading.

By Mr. Goucher: Senate Bill No. 634—An Act to authorize R. C. Ball to sue the State of California.

Referred to Committee on Judiciary.

By Mr. Wilson: Senate Bill No. 635—An Act to add a new section to the Penal Code, to be numbered two hundred and fourteen, and relating to the crime of train and stage robbery, and providing penalties therefor.

Read first time, and placed on file for second reading.

RESOLUTION.

By Mr. Heacock:

Resolved by the Senate, the Assembly concurring, That a special committee of six (three from each House) be appointed, to whom shall be referred all proposed amendments to the election laws introduced into either House of the Legislature at its present session, and that such committee be instructed to consider such proposed amendments at once, and without delay to report the same or a substitute therefor back to the respective Houses. Such proposed amendments or substitute, when so reported, shall be at once read the first time in each House and placed at the head of the second-reading file of each House for consideration; *provided*, that upon such proposed amendments or substitute having passed the third reading in either House, upon being transmitted to the other shall be substituted in such latter House upon the file thereof, in lieu of such proposed amendments or substitute still pending therein; and one or more of the clerks of the Committee on Judiciary of the two Houses are hereby instructed to serve as the clerk or clerks of such special committee.

Laid over until further notice.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 21, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bill No. 380, Senate Concurrent Resolution No. 11, Senate Bill No. 441, Senate Bill No. 285, Substitute for Senate Bill No. 350, and Senate Bill No. 335.

HAMILL, Chairman.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 284, 99, 137, 158, 159, 257, 381, and 211, and Substitutes for Senate Bills Nos. 282, 459, and 129.

HAMILL, Chairman.

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Hospitals, to whom was referred Assembly Bill No. 211—An Act entitled "An Act to amend the Political Code of the State of California," by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto—amended section fifteen by striking out "two" in line one and insert "one new section;" amended by striking out section two thousand nine hundred and eighty-five—and respectfully report the same back, and recommend that it do pass, as amended.

BRICELAND, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Finance beg leave to report that they have had under consideration Senate Bills Nos. 311, 415, and 407, and respectfully report the same back without recommendation.

Also, Senate Bills Nos. 221, 367, 590, and 602—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also, Senate Bills Nos. 377, 414, and 250—have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

MOFFITT, Chairman.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Murphy, Pinder, Sprague, White, Wilson, and Yell—27.
 NOES—None.

Title read and approved.

Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Mr. Preston moved to commit the bill to a committee of one, to amend. So ordered.

Mr. Preston, of the committee of one, reported the bill amended as requested.

Bill passed on file for proper engrossment.

Senate Bill No. 225—An Act relating to life insurance upon the natural premium plan.

Read third time, and ordered reprinted with the name of "Jones," instead of "Murphy," as its author.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands and lands within their jurisdiction along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Passed on file.

Senate Bill No. 350—An Act to prevent deception in the sales of dairy products, and to preserve the public health.

Mr. Goucher in the chair.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Sprague, Wilson, and Yell—27.
 NOES—Mr. Pinder—1.

Title read and approved.

Senate Bill No. 362—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employés of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employés of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Mr. White in the chair.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, White, Wilson, and Yell—31.

NOES—Mr. Campbell—1.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC PRINTING.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: A majority of your Committee on Public Printing report a bill entitled—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT.
DARGIE.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 285—An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, White, Wilson, and Yell—27.

NOES—Mr. Heacock—1.

Title read and approved.

Senate Bill No. 441—An Act to amend section eight hundred and seventy-two of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, White, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Spellacy, Sprague, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Committee on Engrossment be and they are hereby authorized to appoint an additional Engrossing Clerk when they may deem such additional clerk necessary, such clerk to be paid a per diem of six dollars, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back with an amendment striking out the words "of six dollars" and insert the following: "the same as other Assistant Engrossing Clerks."

Adopted.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of thirty-three dollars (\$33), in favor of A. Yell, Chairman of the Joint Committee on Memorial Exercises, being a deficiency of the Senate's portion of the expenses of the memorial services in respect to the memory of the late Governor Washington Bartlett, held on February 6, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1889.

MR. PRESIDENT: Your Committee on Fish and Game respectfully report that the following members of said committee are entitled to mileage for their visit to Seal Rocks, San Francisco, and return:

Senator Sprague, 182 miles.....	\$18 20
Senator Williams, 182 miles.....	18 20
Senator Pinder, 182 miles.....	18 20
J. D. Ennis, Clerk, 182 miles.....	18 20
Total.....	\$72 80

PINDER, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 380—An Act to add an additional section to title three, part two, division four, of the Civil Code of this State, relating to assignments for the benefit of creditors.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Senate Bill No. 584 presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, Mead, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, White, Wilson, and Yell—30.

NOES—None.

READING OF BILL.

Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors.

Mr. Caminetti moved to strike out section two.

Upon the motion the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Banks, Boggs, Caminetti, Dray, Hinshaw, Jones, Mead, Sprague, White, Wilson, and Yell—11.

NOES—Messrs. Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, Moffitt, Murphy, Preston, Spellacy, and Welch—20.

RECESS.

The hour of twelve o'clock having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Mr. Yell in the chair.

The question recurring upon Senate Bill No. 584, the same was passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Yell—29.

NOES—Messrs. Boggs, Caminetti, and Hinshaw—3.

THIRD READING OF BILLS.

Senate Bill No. 156—An Act to amend section one thousand three hundred and thirteen of the Civil Code of the State of California, relating to wills.

Mr. White in the chair.

Senate Bill No. 156 read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Conklin: Senate Bill No. 637—An Act to provide for the erection of suitable buildings for the California Home for the Care and Training of Feeble-Minded Children, for furnishing such buildings, and for sewerage and improving the grounds of said Home, and to make an appropriation therefor.

Referred to Committee on Hospitals.

By Mr. Jones: Senate Bill No. 638—An Act to amend section three of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters."

Referred to Committee on Elections.

Also, Senate Bill No. 639—An Act to provide for the payment for extra services performed by laborers and mechanics on the buildings of the State Normal School at Chico, and to appropriate money therefor.

Referred to Committee on Public Buildings other than Prison Buildings.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 157—An Act to repeal sections one thousand and ninety-three, one thousand and ninety-four, one thousand one hundred and eighty-six, and one thousand one hundred and ninety-one of the Civil Code of the State of California, relating to acknowledgments of married women.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, Dargie, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—29.

NOES—Messrs. Caminetti, Goucher, and Hinshaw—3.

Title read and approved.

Senate Bill No. 158—An Act to amend section one thousand one hundred and eighty-seven of the Civil Code of the State of California, relating to conveyances by a married woman.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—30.

NOES—Messrs. Caminetti, Campbell, Hinshaw, and Yell—4.

Title read and approved.

Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, at the City of Marysville, in the County of Yuba, to the opposite bank of said river, a free bridge.

Passed on file.

Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and to define their powers and duties.

Passed on file.

Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Passed on file.

Senate Bill No. 257—An Act to amend the Penal Code by adding a new section thereto, to be known as section three hundred and eight, relative to the sale of or furnishing of tobacco and manufactures of tobacco to persons under sixteen years of age.

Mr. Heacock moved to commit the bill to a committee of one, to consist of himself, to amend by striking out "fourteen," and inserting "sixteen" in lieu thereof.

So ordered.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your select committee to whom was referred Senate Bill No. 257, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

HEACOCK, Select Committee.

Adopted.

The roll was called upon Senate Bill No. 257, and the same passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Welch, White, Williams, Wilson, and Yell—31.

NOES—None.

Title read and approved.

SPECIAL ORDERS.

Senate Constitutional Amendment No. 4—Senate Constitutional Amendment—To propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trust.

Postponed until to-morrow, at two o'clock and thirty minutes P. M.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

Lost by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Hinshaw, Jones, McComas, Moffitt, Pinder, Preston, White, and Wilson—22.

NOES—Messrs. Britt, Goucher, Heacock, McDonald, McGowan, Mead, Meany, Roth, Williams, and Yell—10.

NOTICE OF RECONSIDERATION.

Mr. Heacock gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused to adopt Senate Constitutional Amendment No. 3.

Senate Constitutional Amendment No. 3 to retain its place on file.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Wilson: Senate Bill No. 640—An Act to establish a State naval militia.

Referred to Committee on Military Affairs.

By Mr. Moffitt: Senate Bill No. 641—An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

Referred to Committee on Finance.

SPECIAL ORDER—(RESUMED).

Senate Bill No. 46—An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein.

Read third time.

CALL OF THE SENATE.

Mr. Campbell moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. McDonald before the bar of the Senate.

Upon motion of Mr. McGowan, he was excused.

Mr. Meany moved to dispense with further proceedings under the call of the Senate.

So ordered.

The question recurring upon Senate Bill No. 46, the same was refused passage by the following vote:

AYES—MESSRS. Banks, Briceland, Dixon, Fraser, Meany, Moffitt, Roth, Sprague, and Yell—9.

NOES—MESSRS. Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Spellacy, Welch, White, Williams, and Wilson—28.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Conklin: Senate Bill No. 642—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section, to be known and numbered as section three hundred and eight, relative to the sale and use of opium prepared for smoking.

Referred to Committee on Hospitals.

By Mr. McComas: Senate Bill No. 643—An Act to appropriate money in aid of building and furnishing the Home for Soldiers' Widows and Orphans and Army Nurses, and for the support of indigent persons residing in the Home of the Women's Relief Corps Home Association.

Referred to Committee on Military Affairs.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 62—An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California.

Read second time, and ordered to a third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Read third time, and refused passage by the following vote:

AYES—MESSRS. Banks, Britt, De Long, Dray, Flint, Goucher, McComas, Meany, Preston, Roth, Spellacy, Sprague, and Wilson—13.

NOES—MESSRS. Boggs, Briceland, Byrnes, Caminetti, Campbell, Crandall, Dargie, Dixon, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, Mead, Moffitt, Welch, and White—17.

NOTICE OF RECONSIDERATION.

Mr. Moffitt gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 381 was refused passage.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Roth (by request): Senate Bill No. 614—An Act to provide for the disincorporation of municipalities incorporated under the provisions of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Referred to Committee on City, City and County, and Town Governments.

MOTION.

Mr. Goucher moved that two additional members be added to the committee of three already authorized to be appointed for the purpose of investigating affairs in connection with the State Engineer's office.

So ordered.

APPOINTMENTS.

The Chair appointed as such committee, Messrs. Goucher, Moffitt, Wilson, Pinder, and McComas.

MOTION.

Mr. Heacock moved to take up the resolution offered by him this morning, relative to election law bills.

So ordered.

Mr. Heacock offered the following amendment:

Amend by striking out the words "one or more of the Clerks of the Committees on Judiciary," and insert the following: "the Clerks of the Committees on Elections."

Adopted.

The resolution, as amended, was adopted.

REPORTS OF STANDING COMMITTEES.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 8.—An Act to provide for the funding of certain indebtedness of several counties of this State, and the issuance of bonds therefor.

Also, Senate Concurrent Resolution No. 16—With regard to passage by Congress of appropriation for the preservation of the flagship "Hartford."

And have this day delivered the same to the Governor.

MEAD, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation respectfully report that the number of miles traveled by each member of said committee who visited the Harbor of San Diego and surroundings, at San Diego, California, is as follows:

J. R. Spellacy, 1,132 miles.....	\$113 20
T. J. Pinder, 1,132 miles.....	113 20
J. W. Welch, 1,132 miles.....	113 20
J. D. Byrnes, 1,132 miles.....	113 20
David Neagle, Clerk, 1,132 miles.....	113 20

Respectfully submitted.

SPELLACY, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

RESOLUTION—(OUT OF ORDER).

By Mr. Goucher:

Resolved, That the special committee appointed to investigate the affairs and management of the State Engineer's office be and the same is hereby empowered to send for persons and papers necessary to said investigation.

Resolved, That said committee is hereby empowered to employ a stenographer to take and preserve all evidence heard by said committee; *provided*, said committee deem the same necessary.

Adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valero.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Briceland, Britt, Byrnes, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—25.

NOES—MESSRS. Boggs, Jones, McGowan, Meany, and Preston—5.

Title read and approved.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Dargie (by request): Senate Bill No. 645—An Act entitled an Act to prevent persons from entering upon lands of another in the State of California, for the purpose of shooting, or hunting, or fishing, or discharging firearms, or lighting camp fires thereon.

Referred to Committee on Fish and Game.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 284—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Michael Cread.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Roth, Spellacy, Welch, White, Williams, and Yell—23.

NOES—MESSRS. McGowan, Pinder, and Preston—3.

Title read and approved.

Senate Bill No. 99—An Act to pay the claim of Enoch N. Strout.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, McComas, McGowan, Mead, Moffitt, Roth, Spellacy, Welch, and Williams—21.

NOES—MESSRS. Byrnes, Heacock, Hinshaw, Langford, Preston, White, and Wilson—7.

Title read and approved.

Assembly Bill No. 159—An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford,

McComas, McGowan, Mead, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—30.

NOES—Mr. Yell—1.

Title read and approved.

LEAVE OF ABSENCE.

Assistant Journal Clerk Cluff was granted leave of absence for two days.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Read third time.

SPECIAL ORDER.

Mr. Caminetti moved that the special order set for this hour be suspended until to-morrow, at five o'clock P. M.

So ordered.

Mr. Preston moved to refer the bill to a committee of one, consisting of himself, with instructions to insert the following substitute:

Add to section one the following: "*provided*, that said granite be obtained from the Folsom State Prison. The Board of State Prison Directors is hereby instructed to furnish the same to said Commissioners."

Adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Preston, Roth, and Yell—19.

NOES—Messrs. Banks, Britt, Byrnes, Dray, Goucher, Greely, McDonald, Meany, Moffitt, Spellacy, Sprague, Welch, White, Williams, and Wilson—15.

Bill, as amended, ordered engrossed and reprinted.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 459, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

PRESTON, Committee.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Yell: Senate Bill No. 646—An Act entitled "An Act imposing certain duties upon the Governor of the State," in relation to robberies committed within the State.

Read first time. On file.

Also, Senate Bill No. 647—An Act to amend section two hundred and thirteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of the crime of robbery.

Read first time. On file.

By Mr. Jones: Senate Bill No. 648—An Act to establish a standard of weights and measures.

Referred to Committee on Judiciary.

RECESS.

At five o'clock and thirty minutes, upon motion of Mr. Dargie, the Senate took a recess until eight o'clock p. m.

EVENING SESSION.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Greeley, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

MOTION.

Mr. Dray moved that the order made recommitting Senate Bill No. 459 to engrossment be reconsidered, in order to make further amendments.
So ordered.

NOTICE OF RECONSIDERATION.

Mr. Goucher gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 46 was refused passage.

LEAVE OF ABSENCE.

Committees on Public Buildings and State Prisons were granted leave of absence.

AMENDMENT TO SENATE BILL No. 459.

Mr. Caminetti offered the following amendment to Senate Bill No. 459:

Amend by adding the words "by day labor and."

Adopted.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 459, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DRAY, Select Committee.

REPORT OF STANDING COMMITTEE.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 616—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BRICELAND, Chairman.

MOTION.

Mr. Yell moved that Mr. Hamill be authorized to investigate the office of the Engrossing Clerk, and that he have full power and authority to discharge any employé whom he deems incompetent.

So ordered.

SPECIAL FILE.

Senate Constitutional Amendment No. 11—To propose an amendment to section ten, of article thirteen, of the Constitution of the State of California.

Adopted.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties and fix their compensation, and making an appropriation therefor.

Mr. Yell in the chair.

Mr. Heacock moved to amend, as follows:

In section six insert in line three, after the word "shall," the word "each."

Adopted.

Mr. Heacock moved to amend by striking out of section five, line seven, the words "authorized agent of the Board," and inserting the following: "the State Veterinarian."

Adopted.

Mr. Heacock moved the following amendment:

Strike out section seven, and insert the following:

"Sec. 7. The State Board of Health, or any member thereof, and the State Veterinarian and his assistants, in the performance of their duties under this Act, shall have power to call upon Sheriffs and their deputies, Constables, and other peace officers to assist them in carrying out its provisions; and it is hereby made the duty of all such officers to assist in carrying out its provisions when so called upon to do. And the members of said Board of Health, and the State Veterinarian and his assistants shall have, while engaged in carrying out the provisions of this Act, the same power and protection that other peace officers have; and any such officer who fails or refuses to enforce the lawful orders of said Board, or of any member thereof, or of any veterinary acting under them or him, in the proper exercise of the powers conferred by this Act, shall be deemed guilty of a misdemeanor."

Adopted.

Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

Mr. Heacock offered the following amendments:

In section one, after the word "part," in line three, insert the words "or country."

Adopted.

Also, strike out the word "of" in line seven, section three, and insert the word "or."

Adopted.

Also, in first line section twelve, strike out the letter "e" in especially.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Yell: Senate Bill No. 649—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be numbered section four hundred and two, relating to felony.

Read first time, and ordered on file for second reading.

By Mr. Jones: Senate Bill No. 650—An Act for the relief of Peter Connolly, his assignees or legal representatives.

Read first time, and ordered on file for second reading.

By Mr. Hamill: Senate Bill No. 651—An Act for the relief of Patrick Creighton.

Read first time, and ordered on file for second reading.

MOTION.

Mr. Greely moved to take up first reading of bills and continue until adjournment.

Lost.

Mr. Greely renewed his motion to take up the first reading file.

So ordered.

GENERAL FILE—FIRST READING OF BILLS.

Senate Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the building of California Hospital for Chronic Insane at Agnews for the fortieth fiscal year.

Assembly Bill No. 498—An Act to amend an Act entitled "An Act for the protection of preëmption and homestead claimants," approved March 23, 1874.

Senate Bill No. 583—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands applicable to certain lands within municipalities.

Senate Bill No. 594—An Act to amend section two thousand three hundred and forty-nine of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the navigable waters of this State.

Senate Bill No. 320—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and approved March 17, 1887.

Were severally read a first time, and placed on file for second reading.

Senate Bill No. 326—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the duties and powers of Boards of Supervisors.

Passed on file.

Senate Bill No. 346—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to deputies of officials in counties of the ninth class.

Read first time, and ordered on file for second reading.

Senate Bill No. 348—An Act to regulate the fees of Justices of the Peace in counties of the twenty-third class.

Senate Bill No. 368—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, by amending and revising section one hundred and seventy-three of said amendatory Act of 1885, relating to the compensation of Superintendent of Schools and fees of Recorder.

Passed on file.

Senate Bill No. 369—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by revising section seventy and section seventy-one of said Act, relating to the duties of County Treasurer.

Passed on file.

Senate Bill No. 371—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and one half.

Senate Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section two hundred and six thereof.

Senate Bill No. 425—An Act to amend section one hundred and sixty-eight of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, amended March 18, 1885, and as amended March 17, 1887, relating to salaries of officers in counties of the sixth class.

Senate Bill No. 432—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the tenth class.

Senate Bill No. 578—An Act to amend section one hundred and sixty-six of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887.

Assembly Bill No. 36—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and one half.

Senate Bill No. 484—An Act to amend an Act entitled "An Act to incorporate the City of San Diego," approved April 1, 1876.

Senate Bill No. 529—An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation.

Senate Bill No. 595—An Act making an appropriation for the arrangement and protection of the State mineral cabinet, under the direction of the Trustees thereof.

Senate Bill No. 575—An Act to withdraw from entry and sale the State school forest lands in every township in California.

Senate Bill No. 341—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Senate Bill No. 343—An Act to amend section three hundred and twenty-four of the Civil Code, relating to the transfer of shares of the capital stock of corporations.

Senate Bill No. 242—An Act regarding the collection of licenses, fees, charges, impositions, and taxes from life insurance companies organized under the laws of any State or county other than the State of California, and the making of statements, publications, certificates of authority, and the compelling of deposits of securities on the part of such companies.

Senate Bill No. 374—An Act to create and establish a State Board of Insurance, and prescribe its powers and duties.

Senate Bill No. 30—An Act to provide for the appointment of a State Board of Drainage Commissioners, to define their duties, to provide for the organization and government of drainage districts, and for the construction of works to improve the drainage of the several districts, and to appropriate money for the use of the State Board of Drainage Commissioners.

Senate Bill No. 570—An Act entitled an Act to provide for the appointment of a State Board of Drainage and Reclamation Commissioners, to define their duties, to provide for the organization and government of drainage and reclamation districts, and for the construction of works to improve the drainage and the reclamation of the swamp and overflowed lands of this State; to appropriate money for the use of said Board of Drainage and Reclamation Commissioners, and to provide for the issuing of bonds of the State of California to provide money for the purpose of draining and reclaiming such lands.

Assembly Bill No. 113—An Act to amend section six hundred and eighty of the Political Code, relating to investing school funds of the State.

Assembly Bill No. 154—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copy-righting, and distributing certain books of a State series of school textbooks, and appropriating money therefor," approved March 15, 1887.

Senate Bill No. 169—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school.

Senate Bill No. 60—An Act to establish a State School of Industry, and to provide for the organization and government thereof, and the making of appropriation therefor.

Senate Bill No. 78—An Act to provide for law libraries in the counties of the State, and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the bar, and to the people of the respective counties.

Senate Bill No. 586—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure,"

adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

Senate Bill No. 566—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be known as section one thousand eight hundred and fifty-six, relating to the sales of personal property by depositors for hire, to pay storage charges.

Senate Bill No. 568—An Act to amend sections six hundred and eighty-nine and one thousand four hundred and thirty-one of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the right of a defendant to be tried by a jury, and to cases where judgment may be pronounced against a defendant, and relating to the change of place of trial in criminal proceedings in Justices' Courts.

Senate Bill No. 170—An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor.

Senate Bill No. 306—An Act entitled an Act to amend section three hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of a corporation.

Senate Bill No. 464—An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Senate Bill No. 467—An Act to amend section three thousand four hundred and ninety-five of the Political Code, relating to the sale of school lands.

Senate Bill No. 512—An Act to encourage coöperation and to provide for the formation of associations for the purpose of conducting any lawful business and dividing the profits among the members thereof.

Senate Bill No. 279—An Act to amend chapter eleven, title eleven, part three, of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections, relating to testamentary trusts and trustees.

Senate Bill No. 448—An Act to amend sections one thousand two hundred and thirty-eight and one thousand two hundred and fifty-one of the Code of Civil Procedure, relating to eminent domain.

Senate Bill No. 466—An Act to establish a State Reform School for Juvenile Offenders.

Senate Bill No. 79—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to article six, of chapter two, title eight, of said Code, to be known as section two thousand two hundred and ninety, relating to legal proceedings in cases of trust.

Senate Bill No. 506—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to shares of stock in corporations.

Senate Bill No. 508—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Senate Bill No. 564—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the

pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

Senate Bill No. 522—An Act prescribing the competency and for the protection of witnesses testifying as to crimes against the elective franchise, to be added as a new section under title four of the Penal Code of the State of California, and to constitute section sixty-four of said Penal Code.

Senate Bill No. 505—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section one thousand five hundred and forty-three, in relation to search warrants.

Senate Bill No. 589—An Act to amend section eight hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to persons acting as attorneys in Justices' Courts.

Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

Senate Bill No. 122—An Act to increase the number of clerks for the limited period of four (4) months, commencing during the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk.

Senate Bill No. 482—An Act to amend sections one hundred and ninety-eight, two hundred and five, and two hundred and six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties competent and qualified to act as jurors, and to the mode and manner of selecting such jurors.

Senate Bill No. 507—An Act to amend sections eighty-five, ninety-seven, and one hundred and ten of the Code of Civil Procedure, relating to Justices' Courts, and the terms of office and salaries of Justices of the Peace, and Justice's clerk, and deputy, in cities and counties of more than one hundred thousand population.

Senate Bill No. 567—An Act to amend section four hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, relating to the purchase, holding, and conveyance of real estate by insurance corporations.

Assembly Bill No. 131—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the place of trial of civil action.

Senate Bill No. 478—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five gallons.

Senate Bill No. 310—An Act to provide for the payment of funded indebtedness of the State of California, and to contract a funded debt for that purpose.

Senate Bill No. 424—An Act to amend section three hundred and eighty-six of the Political Code, relating to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.

Senate Bill No. 200—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to the Justices of the Supreme Court for the thirty-ninth fiscal year.

Senate Bill No. 201—An Act to provide for a deficiency in the appropriation for salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

Senate Bill No. 202—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children.

Senate Bill No. 428—An Act to appropriate money to pay for the exhibition of California products at the Paris Exposition, 1889.

Senate Bill No. 95—An Act to appropriate money to prevent the introduction of contagious and infectious diseases.

Senate Bill No. 503—An Act to appropriate money for the purchase of the oil painting by Thomas Hill, entitled "Driving the Last Spike."

Assembly Bill No. 102—An Act to provide for the construction of two infirmaries at the Napa State Asylum for the Insane, and making an appropriation therefor.

Assembly Bill No. 103—An Act to provide for certain improvements and repairs at the Napa State Asylum, and making an appropriation therefor.

Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections.

Senate Bill No. 391—An Act establishing a Board of Pilot Commissioners, and providing pilot regulations for the Bay of San Diego.

Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Senate Bill No. 477—An Act to provide for the making of maps showing the description of lands embraced in the grants thereof, and otherwise.

Senate Bill No. 582—An Act to amend section three hundred and forty of the Penal Code, relating to pawnbrokers.

Senate Bill No. 585—An Act to amend section three thousand eight hundred and four of an Act to establish a Political Code, approved March 12, 1872, relating to the collection of property taxes.

Senate Bill No. 179—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and eighty-one, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six

hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, one thousand six hundred and eighteen, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Senate Bill No. 298—An Act to provide for the payment of the claim of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for the purpose of such payment.

Senate Bill No. 516—An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State.

Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera.

Senate Bill No. 605—An Act to provide for the payment of J. R. McDonald, Francis Williams, and Henry De Veuve, for per diem and mileage for serving as Commissioners of the West Side Irrigation District, under the Act to create an irrigation district, to be called the West Side Irrigation District, approved April 3, 1876, and Acts supplemental thereto.

Senate Bill No. 422—An Act making an appropriation for the relief of F. Marion Wells.

Senate Bill No. 351—An Act to pay the claim of James I. Stanton, ex-Coroner of the City and County of San Francisco.

Senate Bill No. 603—An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to and injuries suffered by certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of said Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets."

Senate Bill No. 501—An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected.

Senate Bill No. 515—An Act for the relief of Amelia Mezzara.

Senate Bill No. 439—An Act for the relief of Patrick Tormey.

Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways.

Senate Bill No. 606—An Act to repeal sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of an

Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Assembly Bill No. 45—An Act to amend an Act creating a Board of Bank Commissioners and prescribing their duties and powers, approved March 30, 1878, and amended by an Act approved March 10, 1887.

Assembly Bill No. 165—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections one thousand nine hundred and eighty, two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Assembly Bill No. 203—An Act to amend section two thousand and three of the Political Code, in relation to organizing the National Guard of this State into six brigades, each commanded by a Brigadier-General.

Assembly Bill No. 50—An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.

Senate Bill No. 433—An Act to provide for the destruction of seals and sea lions, and to authorize a bounty to be given by the State, to encourage such destruction, to any person who shall kill a seal or sea lion in the waters of the State of California.

Senate Bill No. 322—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, and two thousand four hundred and sixty-six of the Political Code, relating to pilots and pilot regulations.

Senate Bill No. 256—An Act to amend section two thousand four hundred and sixty-seven of the Political Code, relating to charges for towage.

Senate Bill No. 454—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

Senate Bill No. 597—An Act to amend sections three and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness.

Senate Bill No. 580—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State," approved March 15, 1887.

Senate Bill No. 527—An Act to declare transactions by which pawnbrokers pay money to persons in consideration of the delivery to them of specific personal property to be loans, providing that the title of such property shall remain in the person receiving such money, and be divested only after proceedings taken, as provided in the sections of the Civil Code in relation to pledges, and declaring void certain agreements between said parties.

Senate Bill No. 489—An Act to require persons and corporations owning or operating street railroads upon or over which cars are propelled by means of wire ropes or other machinery running underground and pro-

pelled by stationary or other engines through or over the streets of cities, cities and counties, or towns, to file statement of annual profits, and providing for the payment and collection of a license for conducting such business.

Senate Bill No. 488—An Act requiring corporations and persons doing a banking business in this State to file with the Controller of State statements showing moneys on deposit with them to which no claims have been made within ten years, and authorizing the Attorney-General to institute proceedings to ascertain its ownership.

Senate Bill No. 345—An Act to amend sections four hundred and nineteen and four hundred and twenty of the Civil Code, relating to insurance corporations.

Senate Bill No. 598—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Senate Bill No. 117—An Act to define, regulate, and govern the State Prisons of California.

Senate Bill No. 513—An Act to appropriate the sum of twelve thousand dollars to purchase lands, to erect buildings, and furnish the same, for the use of the inmates of the Home of Industry and Refuge for ex-Convicts.

Senate Bill No. 514—An Act establishing a Home of Industry and Refuge for ex-Convicts of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of ten thousand dollars for the support of said Home.

Senate Bill No. 579—An Act to provide for the appointment of a Board of Commissioners of penal and charitable institutions, and defining their duties and powers, and prescribing their compensation.

Senate Bill No. 279—An Act to amend chapter eleven, title eleven, part three, of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections, relating to testamentary trusts and trustees.

Were severally read first time, and ordered on file for second reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred Senate Bill No. 591—An Act to amend section four hundred and twenty-five of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers, and the payment of their salaries.

Also, Senate Bill No. 592—An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIAMS, Chairman.

MINUTES APPROVED.

Minutes of Thursday and Friday approved.

ADJOURNMENT.

Upon motion of Mr. Jones, at ten o'clock P. M. the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, February 26, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Grady, Hancock, Hinchshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

COMMUNICATIONS.

The following communications were received by the Chair, and ordered spread upon the minutes:

SAN FRANCISCO, February 25, 1889.

To the President of the Senate, Sacramento:

Chamber of Commerce protests against enactment of street contractors' bill; memorial to Legislature by mail.

IRA P. RANKIN, President.

SAN FRANCISCO, February 20, 1889.

To the honorable Senate:

At a meeting of the Butchers' Protective Union, held February 13, 1889, a unanimous vote of thanks was tendered the Senate for passing the bill appropriating six thousand five hundred dollars for a new trial in the Chin Pang case.

Yours respectfully,

MARK STRAUSE, President.
J. L. McKEE, Secretary.

Mr. Roth offered a resolution to rescind the action of the Senate in delegating Mr. Hamill full power to discharge any or all attachés connected with the office of the Engrossing Clerk. Also, to provide for a committee of three to investigate said office.

MOTION.

Mr. Williams moved to postpone the subject-matter until Mr. Hamill arrived.

So ordered.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 625 and 334, and Substitute for Senate Bill No. 459.

DIXON, Acting Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: The sub-Committee on State Hospitals having obtained leave of absence, report the following number of miles traveled by the members thereof.

Senator Mead, 182 miles.....	\$18 00
Senator Dixon, 182 miles.....	18 00
Senator BriceLand, 182 miles.....	18 00
Committee Clerk, 182 miles.....	18 00
Total.....	\$72 00

BRICELAND, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage. Also, report as follows:

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your sub-Committee on State Hospitals having obtained leave of absence to visit the asylums in San Francisco receiving State aid, beg leave to report that they visited the Catholic (Roman) Orphan Asylum, the Infant Orphan Asylum, located in South San Francisco, the Protestant Orphan Asylum, Ladies' Relief Society, Old Ladies' Home, located in San Francisco, and that in each of said asylums we found the management excellent in every respect.

The committee earnestly recommend the State appropriation for orphans and half-orphans to be continued as heretofore.

BRICELAND, Chairman.

ON COUNTIES, COUNTY GOVERNMENT, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Counties, County Government, and Township Organization, to whom was referred Senate Bill No. 292—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also, Senate Bill No. 342—An Act to create the County of Pomona, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 361—An Act to provide for the division of existing counties, and for the creation of new counties—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 108—An Act to amend section twenty-seven (27) of an Act of the Legislature of the State of California entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, the said section relating to the power to license by the Boards of Supervisors of counties—have had the same under consideration, and respectfully report the same back, without recommendation.

Also, Senate Bill No. 479—An Act to amend section three thousand nine hundred and twenty-two of the Political Code, relative to the boundary line of the County of Butte—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HINSHAW, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 619—An Act to add thirty-two sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego.

Also, Senate Bill No. 615—An Act to provide for the maintenance and support of public parks heretofore created within the various cities and counties of the State, and to amend the existing Acts in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

REPORT OF SELECT COMMITTEE.

MR. PRESIDENT: Your committee to whom was referred the duty of investigating the charges made against the Trustees of the State Normal School at Chico, would report that in company with a like committee from the Assembly, we met in joint committee at Chico. Senator George J. Campbell was elected Chairman of the joint committee. The joint committee visited the building now in process of erection. We believe that the building is all that could be expected, and, in our opinion, will fulfill the utmost expectation of its promoters.

We examined the local Board of Trustees, also the Superintendent, and some twenty-five witnesses, mainly men who were employed on the work. We also examined the payroll, books, and vouchers, and found all the accounts correct. All the testimony proved that the local Board of Trustees were actuated with a single desire, namely: to give to the State a building that would be an everlasting monument to their skill, carefulness, and honesty. They seem to have bent every energy to the accomplishment of this one purpose, for which your committee believe they deserve the thanks of the people of the entire State. Whilst your committee are of the opinion set forth in this report, we believe that in their great zeal to fulfill the expectation of the people, the local Board violated section seventeen, of article twenty, of the Constitution of the State of California; also sections three thousand two hundred and thirty-three and three thousand two hundred and forty-five of the Political Code, to wit: that the men employed on said building were compelled to work, when the length of the day would admit, ten hours each day. Whilst we are willing to admit that this was done in the interest of what they believed to be economy, we believe it was a violation of both the Constitution and the statutes of the State, and is something that should never be permitted to be done by an executive or administrative officer. We recommend that those persons who worked extra time be paid for the same.

Also, find appended the testimony of witnesses examined, which we desire to submit as part of our report.

CAMPBELL,
PRESTON,
Select Committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 25, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 89—An Act to amend section three thousand and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 613—An Act authorizing the Governor of the State of California to proceed with the investigation of the State Prison authorities of this State, at the cost of the State, and appropriating money therefor.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

PETITIONS.

The following petition was presented by Mr. Dargie:

SAN FRANCISCO, February 25, 1889.

To the honorable members of the Senate and Assembly now in session at Sacramento:

WHEREAS, An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine, has been introduced by the Hon. Frank J. Moffitt, and known as Senate Bill No. 57, which bill reads as follows, to wit:

Senate Bill No. 57— "Section 539. When any type and printing material such as is manufactured within the State of California shall be required for use in the State Printing Office, the Superintendent of State Printing shall procure the same articles manufactured within the State of California, and no bills for the supply of any type or printing material such as is manufactured within the State of California shall be allowed by the State Board of Examiners unless such articles are of State manufacture," and,

Whereas, This bill was duly referred to the Senate Committee on Printing on January 10, 1889, and as it is to the best interests of the people of this State that our own

manufactories should be patronized by our State institutions, the members of Typographical Union No. 21, of San Francisco, present to your honorably body the following special reasons why Senate Bill No. 57 should become a law:

That the type founding interests in this State are employing directly in the manufacture of type and printing material over two hundred men and women;

That the quality of the type and material manufactured is equal to the best made in the United States;

That the type and material manufactured in this State is all made by white labor;

That if the State Printing Office is not furnished by our own local factories, many of our type-makers, workmen, and workwomen will be thrown out of work.

We further submit to your honorable body, that we believe that if Senate Bill No. 57 is not passed the order for the refitting of the State Printing Office will be sent, without bids, to some eastern house, to the detriment of our workmen and workwomen.

We further submit, that if our State is going to advance, its industries should be fostered; and our State institutions should patronize our State industries.

At a regular session of the Union held February 24, 1889, by a unanimous vote, the President and Secretary were instructed to sign the above petition on behalf of the Union.

ANDREW F. SMITH, President No. 21.
THOMAS P. BAKER, Secretary.

A duplicate petition, signed by two hundred San Francisco type founders. Another signed by seventy-five members of the San Francisco Pressman's Union and pressmen.

Also, another signed by twenty of the master printers of San Francisco.

MOTION.

Mr. Mead moved that the Assistant Enrolling Clerk be released from further attendance at the office of the Journal Clerk, and that he be permitted to assume the duties of his office.

So ordered.

RESOLUTION.

Mr. Moffitt offered the following resolution:

Resolved, That Assembly Bill No. 613 presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams.

The Sergeant-at-Arms reported Mr. Pinder at the bar of the Senate.

Upon motion of Mr. Heacock, he was excused.

The Sergeant-at-Arms reported Mr. Goucher at the bar of the Senate.

Upon motion of Mr. Sprague, he was excused.

The Sergeant-at-Arms reported Mr. Wilson at the bar of the Senate.

Mr. Moffitt moved that he be fined five dollars.

Lost.

Mr. Moffitt moved that he be fined two dollars and fifty cents.

So ordered.

The fine being paid, the judgment of the Senate was satisfied.

Mr. Fraser moved that further proceedings under the call be dispensed with.

Lost.

The Sergeant-at-Arms reported Mr. Campbell at the bar of the Senate.

Mr. Mead moved that he be fined five dollars.

Lost.

Mr. Crandall moved that he be excused.

Lost.

Mr. Goucher moved that he be fined two dollars and fifty cents.

So ordered.

Upon the fine being paid, the judgment of the Senate was satisfied.

The Sergeant-at-Arms reported Mr. Yell at the bar of the Senate.

Upon motion of Mr. Goucher, he was excused.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Crandall, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Mollitt, Preston, Roth, White, Wilson, and Yell—22.

NOES—Messrs. Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Jones, McDonald, Pinder, Spellacy, Sprague, Welch, and Williams—14.

RECESS.

Pending consideration of Assembly Bill No. 613, the hour of recess having arrived, the Senate took the usual noon recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Mollitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 626.

DIXON, Acting Chairman.

MOTION.

Mr. Preston moved the previous question.

CALL OF THE SENATE. "

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Greely moved that further proceedings under the call be dispensed with.

So ordered.

RESOLUTION ADOPTED.

The question recurring upon Mr. Moffitt's resolution, the same was adopted by the following vote :

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—Messrs. Caminetti, Goucher, Mead, and Pinder—4.

READING OF BILL.

Assembly Bill No. 613—An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State, at the cost of the State, and appropriating money therefor.

Read first and second times.

Mr. Yell moved to amend section two by making the sum to be appropriated ten thousand dollars, instead of five thousand.

Roll call was demanded by Messrs. Campbell, Goucher, and Caminetti, and the amendment adopted by the following vote:

AYES—Messrs. Banks, Bowers, Byrnes, Conklin, Crandall, Dargie, Flint, Fraser, Greely, McComas, McDonald, McGowan, Moffitt, Preston, Spellacy, Sprague, White, Wilson, and Yell—19.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Campbell, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, Langford, Mead, Pinder, Roth, Welch, and Williams—18.

Bill ordered to third reading.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended Senate Constitutional Amendment No. 8 by adopting a substitute therefor, known as Assembly Constitutional Amendment No. 7.

Also, passed Assembly Bill No. 56—An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school text-books.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Mr. Campbell withdrew Senate Bill No. 134, and Assembly Bill No. 56 was read first time and substituted therefor.

Senate Constitutional Amendment No. 8, as amended in Assembly, placed on special file for to-morrow.

SPECIAL FILE.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to rights of suffrage.
Passed on file.

Senate Constitutional Amendment No. 10—To propose to the people of the State of California an amendment to sections two and three, of article six, of the Constitution of the State of California.

Withdrawn by author.

Senate Constitutional Amendment No. 12—To propose an amendment to section eleven, of article six, of the Constitution of the State of California, relative to the jurisdiction of Justices of the Peace.

Withdrawn by author.

Senate Constitutional Amendment No. 11—To propose an amendment to section ten, of article thirteen, of the Constitution of the State of California.

Passed on file.

GENERAL FILE—THIRD READING OF BILL.

Senate Bill No. 355—An Act to amend section six hundred and sixteen of the Political Code, relating to insurance companies.

Read third time.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Upon roll call the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Messrs. Meany and Murphy at the bar of the Senate.

Mr. Moffitt moved that Mr. Meany be excused.

So ordered.

Mr. Goucher moved that Mr. Murphy be excused.

So ordered.

Messrs. Sprague and Flint were excused.

Mr. Goucher moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTIONS.

Mr. Preston moved that when a Senator absent without leave is brought before the bar of the Senate, under call, he be fined two dollars.

Mr. Greely moved to suspend the rules and pass the motion of Mr. Preston.

Lost.

RESOLUTION.

Mr. Bowers offered the following resolution:

Resolved, That when a call of the Senate is ordered, the doors shall not be closed until the roll is called and the roll of absentees called.

Referred to Committee on Rules.

SENATE BILL No. 355 PASSED.

The question being upon passage of Senate Bill No. 355, the roll was called, and the bill passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—37.

NOES—Mr. De Long—1.

Title read and approved.

SPECIAL ORDERS.

Senate Constitutional Amendment No. 4—Constitutional Amendment—To propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trust.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Dargie, De Long, Dixon, Fraser, Greely, Jones, Langford, McComas, Mead, Preston, Roth, Spellacy, Sprague, White, and Wilson—20.

NOES—Messrs. Boggs, Britt, Campbell, Crandall, Dray, Flint, Goucher, Heacock, Hinshaw, McDonald, McGowan, Meany, Moffitt, Murphy, Welch, Williams, and Yell—17.

MOTIONS.

Mr. Moffitt moved to take up the name of Dr. Briceland as a member of the State Board of Health, and that the Senate advise and consent to the appointment.

Mr. Boggs moved that the Senate do proceed to advise and consent to the confirmation of Dr. J. M. Briceland as a member of the State Board of Health, vice self, term expired.

Upon the motion the roll was called, and the appointment confirmed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Mr. Moffitt moved that the Senate do now advise and consent to the appointment of J. N. E. Wilson as Insurance Commissioner, vice J. C. L. Wadsworth, term expired.

Upon the motion the roll was called, and the Senate confirmed the appointment by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—36.

NOES—None.

Mr. Heacock moved to reconsider the vote whereby Senate Constitutional Amendment No. 3 was defeated yesterday.

Withdrawn.

Mr. Dargie moved to take up the name of C. O. Alexander as Harbor Commissioner, vice John H. Wise, term expired.

So ordered.

Mr. Yell moved that the Senate do now proceed to advise and consent to the appointment of C. O. Alexander as Harbor Commissioner, vice John H. Wise, term expired.

Upon the motion the roll was called, and the appointment was confirmed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

LEAVE OF ABSENCE.

Mr. Murphy was granted leave of absence for the day.

MOTION TO RECONSIDER.

Mr. Heacock moved to reconsider the vote by which the resolution proposing Senate Constitutional Amendment No. 3 was refused adoption.

Mr. Goucher, who would have voted "no," was paired with Mr. Conklin, who would have voted "aye."

The roll was called upon the question of reconsideration, and the motion prevailed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, White, and Williams—28.

NOES—Mr. Meany—1.

MOTION.

Mr. Heacock moved that further consideration of Senate Constitutional Amendment No. 3 be set for to-morrow, at two o'clock and fifteen minutes P. M.

So ordered.

SPECIAL ORDER POSTPONED.

Mr. Goucher moved to postpone the special order set for three o'clock P. M.

So ordered.

VOTE RECONSIDERED.

Mr. Moffitt moved to reconsider the vote whereby Senate Bill No. 381 was refused passage.

The motion to reconsider prevailed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Greely, Langford, McDonald, Moffitt, Preston, Roth, Spellacy, Sprague, and Wilson—20.

NOES—MESSRS. Briceland, Crandall, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, Mead, Meany, Pinder, White, and Williams—13.

MOTION.

Mr. Heacock moved to take up Assembly messages—that part relating to a special committee.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the following, viz.:

Resolved by the Senate, the Assembly concurring. That a special committee of six (three from each House) be appointed, to whom shall be referred all proposed amendments to the election laws introduced into either House of the Legislature at its present session, and that such committee be instructed to consider such proposed amendments at once, and without delay to report the same, or a substitute therefor, back to the respective Houses. Such proposed amendments or substitute, when so reported, shall be at once read the first time in each House and placed at the head of the second-reading file of each House for consideration; *provided*, that upon such proposed amendments or substitute having passed the third reading in either House, upon being transmitted to the other, shall be substituted in such latter House, upon the file thereof, in lieu of such proposed amendments or substitute still pending therein, and the Clerks of the Committees on Election of the two Houses are hereby instructed to serve as the clerk or clerks of such special committee.

And in pursuance of the provisions thereof, appointed as the Assembly committee Messrs. Hall, Dibble, and Storke.

E. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTION.

Mr. Heacock moved to take up that part of the Assembly message relating to special committee to examine election laws.

So ordered.

The Chair appointed as such committee from the Senate, Messrs. Roth, Crandall, and Welch.

MOTION TO RECONSIDER.

Mr. Goucher moved to reconsider the vote whereby Senate Bill No. 46 was refused passage, and that it be made the special order for to-morrow, at two o'clock and thirty minutes P. M.

SPECIAL ORDERS.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employés, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Continued until to-morrow, at two o'clock P. M.

THIRD READING OF BILLS.

Senate Bill No. 334—An Act to amend section four hundred and sixteen of "An Act to establish a Political Code," relating to fees in the Secretary of State's office.

Mr. Dray moved that the bill be referred to a special committee, to amend as follows:

In line forty-five, after the word "placed" insert the words "one half."

Also, at the end of said section add the following words: "and one half to the credit of said Library Fund."

Ayes and noes demanded by Messrs. Langford, Heacock, and Yell.

The roll was called, and the amendment carried by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Jones, McComas, McGowan, Pinder, Roth, Sprague, and Wilson—19.

NOES—Messrs. Bowers, Campbell, Crandall, Heacock, Hinshaw, Langford, Mead, White, Williams, and Yell—20.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 334, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DRAY, Select Committee.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Read third time, and refused passage by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Crandall, Dargie, Dray, Goucher, Heacock, Jones, Langford, Pinder, Sprague, Williams, Wilson, and Yell—15.

NOES—Messrs. Boggs, Bowers, Caminetti, Campbell, De Long, Dixon, Flint, Fraser, Greely, Hinshaw, McComas, McGowan, Mead, Roth, and White—15.

NOTICE OF RECONSIDERATION.

Mr. Williams gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate refused to pass Senate Bill No. 127.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 225—An Act relating to life insurance upon the natural premium plan.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Preston, Roth, Sprague, White, Williams, and Yell—27.

NOES—Messrs. Campbell and Pinder—2.

Title read and approved.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction along the waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Special committee reports as follows:

Amend section one, line three of printed bill, by inserting after the word "the" the word "exterior."

Adopted.

Amend section one, line four of printed bill, by inserting after the word "Francisco" the following: "and across the outlet of, but not along any water highway or open canal extending inland."

Adopted.

Amend section one, line three of printed bill, by inserting after the word "railroads" the words "bridges and drawbridges."

Adopted.

Amend title by inserting the word "exterior" before the word "water" where it first occurs therein.

Adopted.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 81, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CAMINETTI, Select Committee.

Adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 282—An Act to declare the bridge across Feather River, extending from Fifth Street, at the City of Marysville, in the County of Yuba, to the opposite side of said river, a free bridge.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Moffitt, Pinder, Preston, Roth, Welch, White, and Wilson—26.
NOES—None.

Title read and approved.

Mr. Wilson in the chair.

Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Preston, Roth, White, and Wilson—28.
NOES—None.

Title read and approved.

Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McGowan, Moffitt, Preston, Roth, White, and Wilson—25.
NOES—None.

Title read and approved.

Assembly Bill No. 62—An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California.

Mr. Campbell moved to commit the bill to a committee of one, consisting of Mr. Goucher, with instructions to amend as follows:

Amend section twelve so as to provide that the work shall not be done by contract but by day's labor, in accordance with the provisions of the Political Code.

The roll was called upon the question of the adoption of the amendment, and the same was lost by the following vote:

AYES—Messrs. Banks, Britt, Caminetti, Campbell, De Long, McGowan, Moffitt, White, and Yell—9.

NOES—Messrs. Bowers, Briceland, Byrnes, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, Mead, Preston, Roth, and Wilson—18.

The question recurring upon the passage of the bill, the same was passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—26.

NOES—Messrs. Britt, Campbell, Hinshaw, and Langford—4.

Title read and approved.

Mr. Welch gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 62 passed the Senate.

Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties and fix their compensation, and making an appropriation therefor.

Passed on file.

Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

Passed on file.

SECOND READING OF BILLS.

Senate Bill No. 112—An Act to amend section one hundred and sixty-seven of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class.

Passed on file.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Passed on file.

Senate Bill No. 275—An Act to amend section three hundred and fifty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally.

Passed on file.

Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Passed on file.

Senate Bill No. 289—An Act to provide funds for the erection and maintenance of State waterworks.

Passed on file.

Senate Bill No. 290—An Act to submit to a vote of the people of the State of California the question of creating and maintaining State waterworks, for irrigation and other beneficial uses.

Passed on file.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Passed on file.

Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

Passed on file.

Senate Bill No. 64—An Act relating to life, and casualty, and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance.

Passed on file.

Senate Bill No. 278—An Act to appropriate fifty thousand dollars for the erection of a monument commemorative of the services of Rodman M. Price, and to provide for the investment of said sum, and the payment of the interest thereon.

Passed on file.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, reconsidered its action in refusing a first reading to Senate Bills Nos. 102, 330, 286, 44, and 21, and respectfully requests their return to the Assembly.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission of any county, city, city and county, township, or municipality, and to provide for filling the same.

Mr. Yell moved to amend, as follows:

Insert section one, line one, the following:

"SECTION 1. Section nine hundred and ninety-six of the Political Code is hereby amended so as to read as follows:

"996. A term of office shall be deemed to be vacant so as to authorize an appointment of a person to fill it upon the happening of the following events."

Adopted.

Strike out, in line nineteen, after the word "duties" the words: "9. Failure to elect when the office is elective."

Adopted.

In line twenty, add the words: "10. Death of the person elected before qualifying by taking the oath of office and giving official bonds."

Adopted.

In line twenty-two, change figures "10" to figures "12."

Adopted.

In line twenty, change figure "9" to figures "11."

Adopted.

In line twenty-four, change figures "11" to figures "13."

Adopted.

Mr. Yell moved to amend, as follows :

In section two, line three, after the word "appointment" insert "if in a county, made by the Board of Supervisors."

Also, after the word "thereof," line four, insert the words: "If in a city, city and county, by the Mayor thereof."

Also, in line seven, after the word "elected" insert the words "or appointed and qualified."

Change the number of the sections, making them to read subdivisions one, two, and three.

Amend the title by inserting after the words "an Act" the words "to amend section nine hundred and ninety-six of the Political Code."

Mr. Fraser moved to amend section two, as follows:

Amend section two by adding: "*provided*, no appointment shall be made to fill a vacancy in any elective office of any city where the term of such office is two years or less and no election has been held within four years preceding the first day of January, 1889."

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Langford, McComas, McGowan, Preston, Roth, Sprague, and Wilson—23.

NOES—Messrs. Britt, Byrnes, Goucher, Mead, Spellacy, Welch, White, Williams, and Yell—9.

Bill ordered engrossed and to third reading.

Senate Bill No. 58—An Act to regulate the licensing and powers of detectives within the boundaries of the State of California.

Passed on file.

Senate Bill No. 314—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Passed on file.

Substitute for Assembly Bill No. 72—An Act to amend section one (1), and to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880.

Mr. Caminetti moved to amend by striking out of section one, lines thirty, thirty-one, and thirty-two, the words: "The Counties of Calaveras and Amador shall constitute Agricultural District Number Twenty-four," and inserting instead the following: "All that part of Santa Cruz County southeast of a line beginning at a point where the Aptos Creek empties into the Bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara County, shall constitute Agricultural District Number Twenty-four."

Lost.

Mr. Bowers moved to amend by striking out of section one, lines nine and ten, the words "and San Bernardino," and inserting the word "and" between "Los Angeles" and "Ventura" in line nine. Also, add to line thirty-seven the following: "The County of San Bernardino shall constitute Agricultural District Number Twenty-eight."

Adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Pinder, Preston, Roth, Sprague, Welch, Williams, and Yell—29.

NOES—Messrs. Caminetti and Campbell—2.

RECESS.

Mr. Sprague moved that the Senate take a recess until eight o'clock P. M.
So ordered.

EVENING SESSION.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McDonald, McGowan, Mead, Moffitt, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Journal of yesterday approved.

Mr. Yell in the chair.

Committee on State Prisons granted leave of absence to attend meeting.

RESOLUTION.

By Mr. Dray :

Resolved, That Assembly Bills Nos. 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 290, 104, 474, and 473, and each thereof presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be this day read the second and third times and placed upon their passage.

Adopted by the following vote :

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

The question recurring upon Assembly Bill No. 72, Mr. Caminetti offered the following amendments to section one:

Insert in section one, line thirty-three, after the word "twenty-five," the words: "The Counties of Sacramento and Amador shall constitute Agricultural District Number Twenty-six," in lieu of the following: "All that part of Santa Cruz County southeast of a line beginning at a point where the Aptos Creek empties into the Bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara County, shall constitute Agricultural District Number Twenty-six; the County of Shasta shall constitute Agricultural District Number Twenty-seven."

Adopted.

Strike out of section one, line seventy-two, page two, the word "Sacramento."

Adopted.

Strike out of section one, line five, page one, the word "Tuolumne."

Adopted.

Amend section one by adding the following: "Counties of Calaveras and Tuolumne shall constitute the Twenty-ninth Agricultural District."

Adopted.

Strike out of section one, lines thirty, thirty-one, and thirty-two the words: "Counties of Amador and Calaveras shall constitute Agricultural District Number Twenty-four," and insert the following: "All that part of Santa Cruz County southeast of a line beginning at a point where the Aptos Creek empties into the Bay of Monterey, and extending in a direct line northeast to the boundary line of Santa Clara County, shall constitute Agricultural District Number Twenty-four."

Adopted.

Mr. Caminetti moved to amend by adding to title the following: "and to provide for the organization of new districts."

Adopted.

Bill ordered printed and to a third reading.

Assembly Bill No. 506—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Printing Office, including the pay of the employes, for the thirty-eighth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Sprague, Welch, Williams, and Yell—25.

NOES—None.

Title read and approved.

Assembly Bill No. 507—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

Mr. Sprague moved to amend, as follows:

Strike out of section one, lines one and two, the words twenty-five thousand five hundred and sixty-nine dollars and forty-seven cents, and insert in lieu thereof forty-five thousand five hundred and sixty-nine dollars and forty-seven cents.

Adopted.

Bill, as amended, ordered reprinted and to a third reading.

Upon motion of Mr. Sprague, the same was made the special order for two o'clock P. M. to-morrow.

Assembly Bill No. 508—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building, and furniture, and the purchase of carpets, for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon.

Bill read second and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Fraser, Hamill, McDonald, Moffitt, Pinder, Preston, Roth, Welch, Williams, and Yell—21.

NOES—None.

Title read and approved.

CALL OF THE SENATE.

Mr. Moffitt moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Moffitt, Pinder, Preston, Roth, Sprague, Welch, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Jones at the bar of the Senate.

Mr. Pinder moved that he be fined two dollars and fifty cents.

So ordered.

The fine was paid, and the judgment of the Senate satisfied.

The Sergeant-at-Arms reported Mr. Mead at the bar of the Senate.

Mr. Jones moved that he be fined two dollars and fifty cents.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Bowers, Britt, Campbell, Jones, Preston, Welch, Williams, and Yell—8.

NOES—MESSRS. Briceland, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, Moffitt, Pinder, Roth, Sprague, and Wilson—20.

Mr. Greely moved that he be excused.

Lost.

Mr. Moffitt moved that he be fined two dollars.

So ordered.

The fine being paid, the judgment of the Senate was satisfied.

The Sergeant-at-Arms reported Mr. Banks at the bar of the Senate.

Upon motion of Mr. Dray, he was excused.

Mr. Briceland moved that the fine upon Mr. Mead be remitted.

So ordered.

Mr. Dray moved that further proceedings under the call be dispensed with.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 509—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Yell—30.

NOES—None.

Title read and approved.

Assembly Bill No. 510—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon.

Read third time, and passed by the following vote:

AYES—MESSRS. Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Sprague, Welch, Williams, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Assembly Bill No. 511—An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose and implements to be used on the State Capitol grounds, for the thirty-eighth fiscal year, with legal interest thereon.

Read third time, and passed by the following vote:

AYES.—Messrs. Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, McComas, McGowan, Mead, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—26.
 NOES.—None.

Title read and approved.

MOTION.

Mr. Campbell moved a call of the Senate.

Lost.

Mr. Mead moved to adjourn.

Upon roll call, the motion was lost by the following vote:

AYES.—Messrs. Bowers, Briceland, Byrnes, Campbell, Flint, Jones, Mead, Roth, Sprague, and Welch—10.

NOES.—Messrs. Britt, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, McComas, McDonald, McGowan, Moffitt, Pinder, Preston, Spellacy, Williams, Wilson, and Yell—21.

Mr. Dargie moved to suspend the rules, in order to introduce a resolution.

Mr. Caminetti moved a call of the Senate.

Lost.

Mr. Jones moved to adjourn.

Upon the motion, the roll call was demanded by Messrs. Caminetti, Jones, and Mead, and the motion was carried by the following vote:

AYES.—Messrs. Bowers, Briceland, Byrnes, Caminetti, Campbell, Dray, Jones, Mead, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—16.

NOES.—Messrs. Britt, Conklin, Crandall, Dargie, Dixon, Flint, Fraser, Goucher, Hamill, Heacock, McComas, McDonald, McGowan, Moffitt, and Preston—15.

ADJOURNMENT.

At nine o'clock and thirty minutes P. M., in accordance with Mr. Jones' motion, the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,
 Wednesday, February 27, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

PETITION.

THE CHAMBER OF COMMERCE OF SAN FRANCISCO, }
SAN FRANCISCO, February 25, 1889. }

To the honorable the Senate and Assembly of the State of California :

The Chamber of Commerce of San Francisco beg most earnestly to protest against the enactment into law of a bill now before your honorable bodies known as the "Street Contractors' Bill."

Though general in its terms, it is well understood that its only purpose and design is to validate against the City and County of San Francisco the claims of contractors for work done nearly twenty-five years since, for which by the specific terms of the contracts themselves the city and county was exempted from all responsibility. Should the bill in question be passed, and become a law by the approval of the Governor of the State, an immense and unknown liability would be forced upon the City and County of San Francisco, which would require many years of largely increased taxation to liquidate. This Chamber represents a very large proportion of the financial, commercial, and manufacturing interests of this city, and your petitioners are confident that in protesting as they do, earnestly and solemnly against the enactment of the proposed bill, they represent also the almost unanimous opinion of the intelligent taxpayers of this city and county.

IRA P. RANKIN, President.

Attest: THOS. J. HAYNES, Secretary.

By Mr. Dargie: From operatives in the California Cotton Mills of Oakland, against a further appropriation of money for additional machinery for the manufacture of jute at San Quentin and Folsom Prisons. [Signed by one hundred and forty-eight names.]

REPORT OF STANDING COMMITTEE.

ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving of pure California wine labels—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LANGFORD, Chairman.

FIRST READING OF BILL.

Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving of pure California wine labels.

Read first time, and placed at head of second-reading file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON VINICULTURE AND VITICULTURE.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Viniculture and Viticulture, to whom was referred Assembly Concurrent Resolution No. 1—have had the same under consideration, and report the same back, and recommend that it be adopted.

LANGFORD, Chairman.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 642—have had the same under consideration, and respectfully report the same back, and majority recommend that it do pass, minority that it do not pass.

Also, Senate Bill No. 637—have had the same under consideration, and respectfully report the same back, majority recommend that it do pass, minority that it do not pass.

BRICELAND, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 127.

Also, Senate Bills Nos. 33 and 84, and amendment to Assembly Bill No. 507.

HAMILL, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies—respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 634—An Act to authorize R. C. Ball to sue the State of California—respectfully report the same back, and recommend that it do pass, as amended.

Also, Senate Bill No. 632—An Act to amend section one thousand five hundred and ten of the Penal Code, in relation to the duties of Coroners—respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred the following Assembly Bill No. 45—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 451—An Act relating to elevator insurance.

Also, Senate Bill No. 609—An Act relating to life, casualty, and endowment protection, upon the assessment or natural premium plan.

Also, Senate Bill No. 610—An Act to amend section three hundred and two of the Civil Code, relating to the annual meetings of the Directors of corporations and to the merging of the stock in other corporations.

Also, Senate Bill No. 622—An Act to regulate the use of meters used in the sale, rental, or distribution of water supplied to cities and counties, cities, or towns, and to the inhabitants thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GOUCHER, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 26, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 8—An Act to provide for the funding of certain indebtedness of the several counties of this State, and the issuance of bonds therefor.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 527—An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

Also, Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Also, Assembly Bill No. 304—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon.

Also, Assembly Bill No. 322—An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

ED. E. LEAKE, Chief Clerk.

SUBSTITUTION OF BILLS.

Mr. Crandall moved that Senate Bill No. 434 (169 on file) be withdrawn and that Assembly Bill No. 304 be substituted therefor.

So ordered.

Assembly Bill No. 304—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children, for the thirty-eighth fiscal year, and to pay the interest thereon.

Read first time, and ordered on file for second reading.

Senate Bill No. 555 withdrawn and Assembly Bill No. 527 substituted therefor.

Assembly Bill No. 527—An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

Read first time, and ordered on file for second reading.

Senate Bill No. 160 withdrawn, and Assembly Bill No. 83 substituted therefor.

Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Read first time, and ordered on file for second reading.

Assembly Bill No. 322—An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

Referred to Committee on Finance.

Senate Bill No. 108 withdrawn.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 523—An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service) for the thirty-eighth fiscal year.

Also, Assembly Bill No. 524—An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

Also, Assembly Bill No. 525—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

Also, Assembly Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

Also, Assembly Bill No. 297—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Also, Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Also, Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Also, Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Also, Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Also, Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Also, Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Also, Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claims of the Trustees of the State Normal School at Chico.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused third reading to Senate Bill No. 227—An Act making an appropriation to pay the claim of C. C. Rochford.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused first reading to Senate Bills Nos. 102, 330, 286, 44, and 21.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

SUBSTITUTION OF BILLS.

Senate Bill No. 551 withdrawn, and Assembly Bill No. 523 substituted.

Assembly Bill No. 523—An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service) for the thirty-eighth fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 552 withdrawn, and Assembly Bill No. 524 substituted therefor.

Assembly Bill No. 524—An Act making an appropriation to pay the deficiency in the appropriation for the purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

Read first time, and ordered on file for second reading.

Senate Bill No. 553 withdrawn, and Assembly Bill No. 525 substituted therefor.

Assembly Bill No. 525—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 554 withdrawn, and Assembly Bill No. 526 substituted therefor.

Assembly Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

Read first time, and ordered on file for second reading.

Senate Bill No. 420 withdrawn, and Assembly Bill No. 297 substituted therefor.

Assembly Bill No. 297—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Read first time, and ordered on file for second reading.

ORDERED TO ENROLLMENT.

Senate Bills Nos. 240, 55, 239, 238, 235, 234, 233, 203, and 226 ordered to enrollment.

REFUSED FIRST READING.

Senate Bill No. 227 refused first reading.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, reconsidered its action in refusing a first reading to Senate Bills Nos. 102, 330, 286, 44, and 21, and respectfully requests their return to the Assembly.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Mr. Jones moved that the Senate comply with the request of the Assembly.

So ordered.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 127—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Motion to reconsider taken up by Mr. Williams.

Upon roll call, the Senate reconsidered the vote:

AYES—MESSRS. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Heacock, McComas, McDonald, Meany, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—22.

NOES—MESSRS. Boggs, Dixon, Flint, Fraser, Goucher, Greely, Hinshaw, Langford, Mead, Moffitt, and Roth—11.

Bill refused passage by the following vote:

AYES—MESSRS. Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Heacock, Jones, McComas, McDonald, Meany, Pinder, Spellacy, Sprague, Welch, White, and Williams—19.

NOES—MESSRS. Banks, Boggs, Bowers, Campbell, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Langford, McGowan, Mead, Moffitt, Preston, Roth, Wilson, and Yell—19.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of three thousand three hundred and forty-one dollars and sixty-five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate, to W. O. Banks, for expenses incurred by him in the contested election case of Sullivan vs. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. O. Banks for the said sum.

Expenses in contested election case of Sullivan vs. Banks, on the part of respondent W. O. Banks:

Notaries' fees.....	\$5 50
Certified copies.....	12 00
Typewriter copies.....	24 00
Reporters' fees.....	521 40
One half of Justices' fees.....	75 00
Serving subpoenas and mileage of witnesses.....	163 00
Services of men watching ballots, taking tallies, and hunting witnesses.....	360 00
Dorn & Dorn, and P. Reddy, attorneys' fees as counsel.....	1,000 00
Incidental expenses.....	120 00
Twenty-one witnesses, at \$2 per day, four days.....	168 00
Eleven witnesses, six days, at \$2 per day.....	132 00
Seven witnesses, five days, at \$2 per day.....	70 00
Fifteen witnesses, five days, at \$2 per day.....	150 00
Notaries' fees and reporters' charges, taking deposition of John D. Siebe.....	41 75

Total.....\$2,841 65

Have had the same under consideration, and respectfully report the same back, and recommend that the following resolution be adopted:

Resolved, That the sum of two thousand eight hundred and forty-one dollars and sixty-cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate, to W. O. Banks, for expenses incurred by him in the contested election case of Sullivan vs. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. O. Banks for the said sum.

FRASER, for Committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of three thousand three hundred and forty-six dollars and forty cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John J. Sullivan, for the expenses incurred by him in the contested election case of John J. Sullivan vs. W. O. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John J. Sullivan for the said sum.

Expenses in contested election case of Sullivan vs. Banks on the part of contestant John J. Sullivan:

T. J. and A. J. Clunie, fees as attorneys for contestant	\$1,000 00
Filing statement of contest	7 50
Serving statement of contest	5 00
Serving citation of Clerk	5 00
Verifications	\$3 50
Certified copies	10 00
Typewriter copies, statement	23 00
Reporters' fees	611 40
Services of men hunting witnesses, watching ballots, and taking tallies	382 00
One half Justices' fees	75 00
Incidental expenses	100 00
Witness fees—twenty-three witnesses, three days at \$2 per day	138 00
Witness fees—nineteen witnesses, seven days at \$2 per day	266 00
Witness fees—nine witnesses, four days at \$2 per day	72 00
Serving subpoenas and mileage of witnesses	148 00
Total	\$2,846 40

Have had the same under consideration, and respectfully report the same back, and recommend that the following resolution be adopted:

Resolved, That the sum of two thousand eight hundred and forty-six dollars and forty cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John J. Sullivan, for the expenses incurred by him in the contested election case of John J. Sullivan vs. W. O. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John J. Sullivan for the said sum.

FRASER, for Committee.

MOTION.

Mr. Caminetti moved that the consideration of the report, and resolution contained therein, be made the special order for March 1, 1889, at eight o'clock P. M.

So ordered.

GENERAL FILE—THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 613—An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State, at the cost of the State, and to appropriate money therefor.

Bill ordered reprinted and passed on file.

MOTION.

Mr. Wilson moved to introduce a bill, by request of Mr. Murphy.

Mr. Campbell objected, and the objection was overruled by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Sprague, Welch, White, and Wilson—32.

NOES—Mr. Campbell—1.

INTRODUCTION OF BILL—(OUT OF ORDER).

By Mr. Wilson (by request): Senate Bill No. 652—An Act to extend the jurisdiction of the Board of State Harbor Commissioners over East Street, between Pacific and Folsom Streets.

Referred to Committee on Commerce and Navigation.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 381—An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Passed on file.

MOTION TO RECONSIDER.

Mr. Welch moved to reconsider the vote by which Assembly Bill No. 62—An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California—passed the Senate.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Britt, Caminetti, Campbell, Conklin, Crandall, Greely, Hamill, McDonald, Meany, Moffitt, Preston, Spellacy, Welch, and Williams—44.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Roth, Sprague, White, Wilson, and Yell—24.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties and fix their compensation, and making an appropriation therefor.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, Moffitt, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—28.

NOES—Messrs. Boggs, Bowers, Caminetti, Campbell, Crandall, Hinshaw, Langford, McGowan, Mead, Meany, and Roth—11.

Title read and approved.

RECESS.

The hour of twelve o'clock having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Preston, Roth, Sprague, White, Williams, Wilson, and Yell.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

Mr. Caminetti moved that Senate Bill No. 626 be committed to a committee of one, consisting of Mr. Heacock, with instructions to amend as follows: In line one, section ten, amend by striking out the word "Arizona."

So ordered.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Bill No. 626, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

HEACOCK, Select Committee.

Bill ordered reëngrossed and reprinted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Mr. Yell moved to commit the bill to a committee of one, consisting of Mr. Wilson, with instructions to amend by striking out the amendment offered by Mr. Fraser yesterday and adopted by the Senate.

CALL OF THE SENATE.

Mr. Fraser moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Flint at the bar of the Senate.

Mr. Langford moved that he be excused.

So ordered.

The Sergeant-at-Arms reported Mr. Boggs at the bar of the Senate.

Mr. Welch moved that he be fined two dollars and a half.

So ordered.

Upon motion, the fine was remitted and further proceedings under the call dispensed with.

Senate Bill No. 33 was passed, temporarily.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 72—An Act to amend an Act entitled "An Act to amend sections two, four, six, seven, and eight of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887.

Mr. Caminetti moved that the bill be committed to a committee of one, to consist of himself, with instructions to amend, as follows: By striking out title, and inserting the following:

An Act to amend section one (1), and to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1881, amended March 6, 1883, amended March 9, 1885, amended March 14, 1885, amended March 9, 1887; to repeal all laws amendatory thereof, and to provide for the reorganization of existing districts, and the formation of new districts.

Also, amend by adding a new section, as follows:

SEC. 4. All laws amendatory of "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880, and all laws or parts of laws in conflict with this Act, are hereby repealed.

Mr. Caminetti moved to amend by striking out of section four, line one, the figure "4," and inserting the figure "5."

Mr. Meany moved to amend by striking out of section one, line five, the words: "and Merced."

Mr. Meany moved to amend by inserting in section one, line five, before the word "Stanislaus," the word "and."

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 72, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CAMINETTI, Select Committee.

Adopted.

Bill, as amended, ordered reëngrossed and reprinted.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Senate Bills:

Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section five hundred and fifty-eight, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.

Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an act is to be done may be extended.

Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved, and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof.

ED. E. LEAKE, Chief Clerk.
By J. O. BEALE, Assistant Clerk.

Senate Bills Nos. 28, 37, and 42 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Senate Bills:

Senate Bill No. 171—An Act to amend sections ten and one hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to legal holidays and non-judicial days.

Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

ED. E. LEAKE, Chief Clerk.

By MYRON YAGER, Assistant Clerk.

Senate Bills Nos. 171, 172, and 173 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Senate Bills:

Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

Senate Bill No. 232—An Act making an appropriation to pay the claim of William Guttenberger.

Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill.

Also, Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, 71, 85, 86, 93, 96, 106, 172, 189, 190, 236, 294, 320, 354, 355, 359, 386, 390, 415, 441, and 489—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and three, two hundred and six, two hundred and nine, and two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and one half, relating to the government of counties.

E. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bills Nos. 231, 232, and 116 ordered to enrollment.

Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, 71, 85, 86, 96, 106, 172, 189, 190, 236, 294, 320, 354, 355, 359, 386, 390, 415, 441, and 489 referred to Committee on Counties, County Government, and Township Organization.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Assembly Bill No. 195—An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

Assembly Bill No. 194—An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.

Assembly Bill No. 193—An Act to provide for a deficiency in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

Assembly Bill No. 278—An Act to pay the claim of William Pyburn, his heirs, or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Assembly Bill No. 247—An Act making an appropriation to reimburse the Japanese Government for money expended in the capture and extradition of Calvin Pratt, a fugitive from the justice of the State.

Assembly Bill No. 590—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Assembly Bill No. 566—An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Assembly Bill No. 332—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor.

Assembly Bill No. 561—An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane Asylum at Agnews for the thirty-eighth fiscal year, with legal interest thereon.

Senate Bill No. 194—An Act to provide for a permanent site for the "California Home for the Care and Training of Feeble-Minded Children," to erect suitable buildings thereon, and making an appropriation therefor.

ED. E. LEAKE, Chief Clerk.

By J. O. BEALE, Assistant Clerk.

Senate Bills Nos. 229, 230, and 228 ordered to enrollment.

Senate Bill No. 202 withdrawn, and Assembly Bill No. 195 substituted therefor.

Assembly Bill No. 195—An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 200 withdrawn, and Assembly Bill No. 194 substituted therefor.

Assembly Bill No. 194—An Act to provide for the deficiency in the appropriation for the salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 201 withdrawn, and Assembly Bill No. 193 substituted therefor.

Assembly Bill No. 193—An Act to provide for a deficiency in the appropriation for the salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

Read first time, and ordered on file for second reading.

Senate Bill No. 364 withdrawn, and Assembly Bill No. 278 substituted therefor.

Assembly Bill No. 278—An Act to pay the claim of William Pyburn, his heirs, or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Read first time, and ordered on file for second reading.

Senate Bill No. 560 withdrawn, and Assembly Bill No. 590 substituted therefor.

Assembly Bill No. 590—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Read first time, and ordered on file for second reading.

Senate Bill No. 590 withdrawn, and Assembly Bill No. 566 substituted therefor.

Assembly Bill No. 566—An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Read first time, and ordered on file for second reading.

Assembly Bill No. 561 referred to Committee on Finance.

Mr. De Long moved that the Assembly be requested to recall Assembly Bill No. 194.

So ordered.

Assembly Bill No. 332 referred to Committee on Judiciary.

Mr. Meany moved that the Assembly be requested to recall Assembly Bill No. 247.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 507—An Act making an appropriation to pay the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Buggs, Bowers, Brandland, Britt, Byrnes, Caminetti, Crandall, Dargatzis, De Long, Dixon, Fraser, Gough, Harbo, Henshaw, Langford, McCombs, McGowan, Mead, Meany, Pinder, Preston, Roth, Sperry, Sprague, Welch, White, and Yell—28.

NA—None.

Title read and approved.

MOTIONS.

Mr. Caminetti moved that the Secretary transmit Assembly Bill No. 507 to the Assembly forthwith.

So ordered.

Mr. Hearcock moved that Special Order No. 2, set for this hour, be postponed until to-morrow, immediately after the first order of the day.

So ordered.

Mr. Meany moved that Special Order No. 3, set for this hour, be made the special order for to-morrow, at two o'clock and thirty minutes P. M.

So ordered.

Mr. Hearcock moved to take up Assembly Bill No. 613.

So ordered.

THIRD READING OF BILL.

Assembly Bill No. 613—An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State, at the cost of the State, and to appropriate money therefor.

Read third time.

Mr. Caminetti moved to commit the bill to a special committee, consisting of Mr. Hearcock, to strike out "ten thousand dollars," and insert "five thousand dollars."

Upon the motion the roll was called, and the motion was lost by the following vote:

AYES—Messrs. Brandland, Caminetti, Dixon, Dray, Goucher, Henshaw, Langford, Mead, Roth, and Yell—10.

NA—Messrs. Banks, Buggs, Britt, Byrnes, Crandall, Dargatzis, De Long, Flint, Gough, Harbo, Hearcock, McCombs, McGowan, Meany, Preston, Sperry, Sprague, and White—19.

Mr. De Long moved a call of the Senate.

Lost.

Upon the passage of the bill the roll was called, with the following result:

AYES—Messrs. Banks, Brandland, Britt, Byrnes, Caminetti, Crandall, Dargatzis, De Long, Dixon, Dray, Fraser, Gough, Harbo, Hearcock, Langford, McCombs, McGowan, Mead, Meany, Pinder, Preston, Roth, Sperry, Sprague, White, and Yell—27.

NA—Messrs. Goucher and Henshaw—2.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 613 passed the Senate.
Title read and approved.

SECOND READING OF BILLS.

Senate Bill No. 192—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors.

SUBSTITUTION OF BILL.

Mr. McGowan moved to withdraw Senate Bill No. 192, and substitute Senate Bill No. 473 therefor.

Upon the motion the roll was called, and the rules were dispensed with by the following vote:

AYES—MESSRS. Banks, Bowers, Britt, Brynes, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McGowan, Moffitt, Pinder, Roth, Spellacy, Welch, Williams, Wilson, and Yell—25.

NOES—MESSRS. Boggs, Caminetti, Campbell, Dixon, Hinshaw, Jones, Langford, Mead, Preston, Sprague, and White—11.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code.

Bill read second time, ordered engrossed and to a third reading.

Senate Bill No. 150—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

The committee recommended the following amendment:

Amend by making the age "sixteen" instead of "eighteen."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Amend section one, line eight, printed bill, after the words "sum of" by making it "twenty-five thousand dollars."

Adopted.

Bill, as amended, ordered printed and to a third reading.

MOTION.

Mr. Caminetti moved that Special Order No. 4, set for three o'clock p. m., be postponed until to-morrow, at the same hour.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Goucher moved that the Doorkeeper be instructed to allow any person who is not a member or attaché of the Senate to retire under the call of the House.

So ordered.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTION TO POSTPONE LOST.

The question recurring upon the motion of Mr. Caminetti to postpone, the same was lost by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, Hamill, Jones, Langford, McComas, Mead, Pinder, Spellacy, Welch, White, Williams, and Yell—17.

NOES—Messrs. Banks, Bowers, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McGowan, Preston, Roth, Sprague, and Wilson—19.

SPECIAL ORDER.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employés, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Postponed until to-morrow, at the hour of eleven o'clock A. M.

REGULAR FILE—SECOND READING OF BILLS.

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

Amendments by committee, as follows:

Amend line five, section one, by striking out all after word "engineers."

Adopted.

Amend section two, line five, of printed bill, by striking out the words "or portable" after the word "stationary."

Adopted.

Amend title by striking out, in line two of printed bill, the words "portable and."

Adopted.

Amend section three, line one, of printed bill, by striking out the word "portable."

Adopted.

Further amend said section, in line five of printed bill, by inserting after the word "operating," in said line, the words "stationary engines."

Adopted.

Further amend same section, in line six of printed bill, by inserting after the word "county," at end of said line, the following: "*provided*, that such examination shall be directed to practical, rather than to a technical knowledge of the management and running of steam engines and boilers."

Adopted.

Also, amend section nine, in line one of printed bill, by striking out the words "or portable steam" after the word "stationary," in said line.

Adopted.

Also, amend section twelve, in line three of printed bill, by striking out the words "or portable steam" after the word "stationary," at the beginning of said line.

Adopted.

Further amend same section, in line ten of printed bill, by inserting after the word certificate, at the end of the line, the following: "*provided further*, that nothing in this Act restricting the granting of licenses to run stationary engines shall apply to persons running stationary or other engines used for purposes of irrigation only."

Adopted.

Mr. Goucher offered the following amendment:

In section twelve, line seven, before the word "field" insert the following: "mines and in the."

Adopted.

Mr. Goucher moved to strike out "one week," in section twelve, line nine, and insert "two weeks."

Adopted.

Mr. Bowers moved to amend section twelve by adding:

Provided, nothing contained in this Act shall be held to apply to any person running an engine of less than five-horse power.

Lost.

Bill, as amended, ordered engrossed and to third reading.

Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to salaries of the officers and employes of the Senate and Assembly.

Mr. Caminetti moved to amend line three, by striking out second word "Secretary" and inserting "Secretaries."

Adopted.

Mr. Crandall moved to amend before word "there," line three, by inserting figures "268."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Mr. Crandall moved to amend Senate Bill No. 151 as follows:

By inserting, at the end of section three, the following: "SEC. 4. Section three thousand seven hundred and fifty-nine of the Political Code is hereby amended to read as follows: '3759. The Tax Collector must, at times specified in the preceding section, deliver to the Auditor a complete 'delinquent list' of all persons and property then owing taxes.'"

Adopted.

Also, strike out the figure "4," in section four, line one, and insert the figure "5." And in line ten, of section four, strike out the word "charged" and insert the words "a charge." Also, in section five, strike out the figure "5" and insert the figure "6."

Adopted.

Also, strike out figure "6," in section six, line one, and insert the figure "7." Also, in line three of same section, after the word "must," strike out the word "then" and insert "on the third Monday of March and of September in each year."

Adopted.

Also, strike out the figure "7," in section seven, and insert the figure "8," and in line three, same section, after the word "thousand" insert the words "seven hundred."

Adopted.

Also, strike out the figure "8," line one, section eight, and insert the figure "9."

Adopted.

Also, after the word "county," in section eight, add the following: "Such delinquent taxes shall be collected in the same manner and by the same proceedings as other delinquent taxes are collected."

Adopted.

Also, amend title by inserting the figures "3,759" after the figures "3,758."

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

LEAVE OF ABSENCE.

Mr. Goucher was granted leave of absence for the remainder of the day.

Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers for school moneys left on deposit with him, aggregating

the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

Amended in committee, as follows:

Strike out from and including the word "whereas," on page one of the printed bill, down to and including the word "therefore," on page two.

Adopted.

Bill ordered engrossed and to a third reading.

Mr. Jones moved to withdraw Senate Bill No. 313, and substitute Senate Bill No. 650 in lieu thereof.

So ordered.

Senate Bill No. 650—An Act for the relief of Peter Connolly, his assigns or legal representatives.

Bill ordered engrossed and to a third reading.

Mr. Bowers moved to withdraw Senate Bill No. 247, and substitute in lieu thereof Senate Bill No. 619.

So ordered.

Senate Bill No. 619—An Act to add thirty-two sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read first time, and ordered on file for second reading.

Mr. Jones withdrew Senate Bill No. 307, and substituted Senate Bill No. 492 in lieu thereof.

Senate Bill No. 492—An Act to establish a uniform system of fees of office in counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith.

Read second time, ordered engrossed and to third reading.

Mr. Jones withdrew Senate Bill No. 308, and substituted Senate Bill No. 593 in lieu thereof.

Senate Bill No. 593—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and twenty-five and one half, relating to offenses committed on public property of the State.

Mr. Jones moved to strike out the proviso at the end of first section.
So ordered.

Mr. Jones withdrew Senate Bill No. 312, and Senate Bill No. 574 was substituted therefor.

Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

Read second time, ordered engrossed and to a third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Military Affairs beg leave to report that the members of your committee named herein visited Los Angeles and San Diego, and found the military organizations in excellent condition, due largely, we regret to say, to the advancement of private funds for their support. The organizations are entitled to every encouragement and a liberal support. Especial mention is due to Company "B" of San Diego for unusual interest and efficiency.

And your committee also report that the following members of the committee—Messrs. McGowan, Pinder, Bowers, Crandall, and Clerk Harrington—are entitled to mileage, as follows: From Sacramento to Los Angeles and San Diego, and return to Sacramento, eleven hundred and thirty-two miles, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Expense Fund of the Senate in favor of Frank McGowan for the sum of five hundred and sixty-six dollars, being the sum of one hundred and thirteen dollars and twenty cents for each member and clerk of committee who attended.

YELL, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 626, 473, and 150.

Also, Assembly Substitute No. 72.

HAMILL, Chairman.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Williams:

Resolved, That the Secretary of State be and he is hereby authorized and directed to furnish, upon application, to each member of the Senate, three copies of the bound volumes of "Hall's Report on Irrigation."

Adopted.

Also, by Mr. Williams:

Resolved, That the Secretary of State be and is hereby authorized and directed to furnish each member of the Senate one copy of "Desty's State Constitution of California."

Adopted.

MOTIONS.

Mr. Caminetti moved to postpone the special order set for this hour, Senate Bill No. 611, until to-morrow.

So ordered.

Mr. Caminetti moved to take up Assembly messages.
So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requests the return of Assembly Bill No. 247, forwarded to your honorable body, as we have ascertained that Senate Bill No. 233 is identical therewith.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed as amended, Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon—and ask the concurrence of the Senate to said amendments.

ED. E. LEAKE, Chief Clerk.

Mr. Conklin moved that the consideration of Assembly message relative to Senate Bill No. 194 be made the special order for to-morrow, at three o'clock P. M.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors—and ask the Senate to concur in the amendments.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Mr. Caminetti moved to make the consideration of Assembly message relative to Senate Bill No. 584 the special order for to-morrow, immediately following the consideration of Assembly message relative to Senate Bill No. 194.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 54—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and ninety-three, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-two, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-nine, and one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, and one thousand six hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as sections one thousand seven hundred and seventy-six and one thousand eight hundred and eighty-nine, also relating to public schools.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Referred to Committee on Education.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., upon motion of Mr. Dray, the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, February 28, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of February twenty-sixth approved.

CALL OF SENATE.

Mr. Heacock moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. Heacock moved that further proceedings under the call be dispensed with.

So ordered.

SPECIAL ORDERS.

Senate Constitutional Amendment No. 3—Relative to amending article four, section seven, of the Constitution.

The question being upon the adoption of the resolution, the same was lost by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, and Wilson—24.

NOES—MESSRS. De Long, Flint, Fraser, Goucher, Hamill, McDonald, McGowan, Mead, Meany, and Williams—10.

Mr. Moffitt moved that the special order set for three o'clock P. M. be taken up at once.

So ordered.

Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors.

The Assembly amended, as follows:

Add to section one the following: *provided*, this Act shall in nowise prohibit the manufacture of jute bags or any article used in the manufacture of jute grain bags.

The Senate concurred in the amendment by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—35.

NOES—None.

The Assembly also amended, as follows:

Strike out section two.

The Senate concurred in the amendment by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

The bill ordered to enrollment.

QUESTION OF PRIVILEGE.

Mr. Bowers arose to a question of privilege, relative to an article published in the "Daily Examiner" of San Francisco.

RESOLUTION—(OUT OF ORDER).

By Mr. Goucher :

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Prisons and Prison Buildings respectfully report that said committee visited the State Prison at Folsom on February 2, 1889, under permission duly given by the Senate, and that the following is a true mileage account of said visit:

Senator Goucher, forty-six miles	\$4 60
Senator Heacock, forty-six miles	4 60
Senator McComas, forty-six miles	4 60
Senator Wilson, forty-six miles	4 60
Senator Caminetti, forty-six miles	4 60
J. A. Filcher, forty-six miles	4 60

Resolved, That the mileage account of the Committee on Prisons and Prison Buildings on this twenty-eighth day of February, 1889, be and the same is hereby approved and allowed, and the Controller of State is hereby directed to draw his warrant on the fund for contingent expenses of the Senate in payment of the same.

GOUCHER, Chairman.

Adopted.

LEAVE OF ABSENCE.

Mr. Murphy was granted leave of absence for the day.

REPORT OF STANDING COMMITTEE.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 152—An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SPELLACY, Chairman.

RESOLUTION—(OUT OF ORDER).

By Mr. Goucher:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Geo. W. Faylor for the sum of three hundred and sixteen dollars and seventy-five cents, payable out of the Contingent Fund, for expenses and mileage in securing witnesses in the matter of State Prisons investigation.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

FIRST READING OF BILL.

Assembly Bill No. 152—An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors.

Read first time, and ordered on file for second reading.

SPECIAL FILE.

Senate Constitutional Amendment No. 8—Proposed amendment to article four of the Constitution, relating to the sessions of the Legislature.

Passed on file.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven of article nine of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 11—To propose an amendment to section ten of article thirteen of the Constitution of the State of California.

Passed on file.

THIRD READING OF BILLS.

Assembly Bill No. 613—An Act authorizing the Governor of the State of California to proceed with an investigation of the State Prison authorities of this State, at the cost of the State, and to appropriate money therefor.

NOTICE OF RECONSIDERATION LOST.

Mr. Caminetti took up his notice, made yesterday, of reconsideration of the vote whereby the Senate passed Assembly Bill No. 613.

The roll was called, and the notice of reconsideration lost by the following vote:

AYES—Messrs. Briceland, Caminetti, Conklin, Dixon, Goucher, Hinshaw, Jones, Langford, Mead, Welch, and Williams—11.

NOES—Messrs. Banks, Boggs, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Hancock, McComas, McDonald, McGowan, Meany, Moffitt, Spellacy, Sprague, White, and Wilson—23.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 334—An Act to amend section four hundred and sixteen of "An Act to establish a Political Code," relating to fees in the Secretary of State's office.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Spellacy, Sprague, Welch, White, Williams, and Yell.

NOES—None.

Title read and approved.

SPECIAL ORDERS.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employés, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

The Substitute for Senate Bill No. 188 was adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dixon, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—22.

NOES—Messrs. Banks, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, McDonald, and Moffitt—12.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Mr. Yell moved that Senate Bill No. 33 be committed to a committee of one, consisting of Mr. Fraser, to amend the same.

So ordered.

SECOND READING OF BILLS.

Substitute for Senate Bill No. 188—An Act providing for the creation of a State Board of Auditors, and for their election, and defining their powers and duties, and fixing their salaries.

Mr. Wilson moved to amend, as follows:

Amend section one so that it shall read that the Board of Auditors shall be appointed by the Governor immediately after the passage of this Act.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Langford moved that further proceedings under the call be dispensed with.

So ordered.

The question being upon the amendment offered by Mr. Wilson, the same was lost by the following vote:

AYES—Messrs. Banks, Conklin, Dargie, De Long, Dray, Flint, Fraser, Hamill, Heacock, McComas, McDonald, Moffitt, Sprague, and Wilson—14.

NOES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dixon, Goucher, Greely, Hinshaw, Jones, Langford, Mead, Meany, Pinder, Roth, Spellacy, Welch, White, and Williams—21.

Mr. Preston, who would have voted "aye," was paired with Mr. Murphy, who would have voted "no."

Mr. Heacock moved to amend, as follows:

Strike out the words "everything that may now be done," and insert "and all duties now devolving upon State Board of Examiners."

Adopted.

In line five, section two, strike out "vested in" and insert "imposed on."

Adopted.

In line four, section six, strike out the word "those" and insert the words "the salaries of other State officials."

Adopted.

Mr. Heacock moved to amend section seven, as follows:

Each member of said Board shall, before taking office, execute an official bond with two or more sufficient sureties, to be approved by the Governor, in the sum of twenty-five thousand dollars, and take oath of office, as required by law.

Adopted.

Strike out section nine.

Adopted.

Strike out section ten.

Adopted.

Mr. Caminetti moved to amend section two, as follows:

It shall be the duty of one or more members of the Board, as may be designated by the Board, to examine and expert the books of the different State prisons, insane asylums, and other institutions, Boards, Commissions, Bureaus, and officers of the State at least once a year, or as often as the Board may deem necessary. The officers of said prisons, asylums, and other institutions, Boards, Commissions, Bureaus, and different officers of the State must permit such examination and experting, and must, upon demand, produce without delay all books and papers in their respective offices, and must furnish upon demand all information touching upon books, papers, vouchers, and matters pertaining to their offices.

Mr. Heacock moved to amend by adding to Mr. Caminetti's amendment the following: "And all charitable institutions receiving State aid."

Adopted.

Mr. Caminetti's amendment was then adopted.

RECESS.

At twelve o'clock M., the Senate took the usual noon recess.

REASSEMBLED.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Welch, White, Wilson, and Yell—31.

Quorum present.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bills Nos. 116, 55, 235, 239, 338, and 233, as follows:

Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas W. O'Neill.

Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Senate Bill No. 235—An Act making an appropriation to pay the claim of James Toubey.

Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

And have this day delivered the same to the Governor.

MEAD, Chairman.

CONSIDERATION OF SUBSTITUTE FOR SENATE BILL No. 188—(RESUMED).

The question recurring upon the consideration of Substitute for Senate Bill No. 188, Mr. Caminetti offered the following amendment:

Amend section two by adding at the end of section the following: "visit from time to time every public building during course of erection to ascertain if all the provisions of law and contracts entered into by virtue thereof are being faithfully executed."

Mr. Campbell moved to amend by inserting after the word "building" the words "or work."

Adopted.

Mr. Caminetti's amendment was then adopted.

Mr. Caminetti moved to amend by adding a new section, as follows:

Sec. 8. No deficiency against any appropriation whatever must be created or incurred by any State officer, Commission, Board, Bureau, or other public institution unless the unanimous consent of the State Board of Auditors be first obtained.

Adopted.

Mr. Caminetti moved to renumber section eight so it will read section nine.

Adopted.

Bill, as amended, ordered engrossed and to a third reading.

MOTION.

Mr. Heacock moved to take up Assembly messages.

So ordered.

MESSAGES FROM ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 593—An Act to establish a State Normal School in the City and County of San Francisco.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 14—Relative to Assembly Bill No. 4, and the enrollment thereof.

Also, Assembly Bill No. 67—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Concurrent Resolution No. 14, as read, was adopted.

WITHDRAWAL OF BILL.

Mr. Wilson withdrew Senate Bill No. 314, and Assembly Bill No. 67 was substituted therefor.

FIRST READING OF BILL.

Assembly Bill No. 67—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Read first time, and ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 33—An Act to amend section nine hundred and ninety-six of the Political Code, relating to vacancies, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out by inserting in line nine, section two, printed bill, after the word "is," the words "less than," and by striking out all after "years" in lines nine, ten, and eleven.

FRASER, Select Committee.

Adopted.

Bill, as amended, ordered reprinted.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 593, 650, 181, 440, 115, and 574; also, amended Assembly Bill No. 262.

HAMILL, Chairman.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries,

by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code.

Read third time.

Mr. Moffitt moved to strike out the enacting clause.

CALL OF THE SENATE.

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

So ordered.

MOTION.

Mr. Yell moved that the special order set for this hour—the consideration of the Governor's appointments—be made a special order for Thursday next, at same hour.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Dixon, Goucher, Hamill, Hinshaw, Langford, McDonald, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—18.

NOES—Messrs. Banks, Boggs, Bowers, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Sprague, and Wilson—18.

Mr. Jones declined to vote.

Mr. Yell moved to postpone the special order until Thursday next, at two o'clock P. M.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Sprague, and Wilson—18.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 144—An Act to appropriate money for the completion and furnishing of the building of the State Normal School at Chico.

ED. E. LEAKE, Chief Clerk.

SPECIAL ORDER.

Senate Bill No. 46—An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein.

Mr. Goucher took up his motion of reconsideration.

Lost.

Mr. Goucher voted "no."

CONSIDERATION OF SENATE BILL No. 473—(RESUMED).

Mr. Moffitt withdrew his motion to strike out the enacting clause of Senate Bill No. 473.

The question recurring upon the passage, the same was refused passage by the following vote:

AYES—MESSRS. Bowers, Conklin, Crandall, Hamill, Heacock, McComas, Mead, and Roth—8.

NOES—MESSRS. Banks, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, McGowan, Meany, Moffitt, Pinder, Spellacy, Sprague, Welch, White, and Williams—25.

NOTICE OF RECONSIDERATION.

Mr. McGowan gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the Senate refused passage to Senate Bill No. 473.

THIRD READING OF BILLS.

Senate Bill No. 150—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

Read third time.

Mr. Sprague moved to strike out the enacting clause.

The question recurring upon Senate Bill No. 150, Mr. Sprague withdrew his motion to strike out the enacting clause, and moved that the bill be referred to a committee of one, consisting of Mr. Conklin, with instructions to amend by striking out "sixteen" and inserting "fourteen."

The roll was called, and the amendment adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Byrnes, Caminetti, Crandall, De Long, Dray, Fraser, Greely, Hamill, Jones, McDonald, McGowan, Mead, Meany, Roth, Sprague, White, Wilson, and Yell—21.

NOES—MESSRS. Boggs, Britt, Campbell, Conklin, Dargie, Dixon, Goucher, Heacock, Hinshaw, Langford, McComas, Moffitt, Pinder, Spellacy, Welch, and Williams—16.

Ordered reprinted.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requests the return of Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, to erect suitable buildings thereon, and making an appropriation therefor—for correction.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Upon motion of Mr. Wilson, the request was complied with.

MOTIONS.

Mr. Meany asked that the rules be suspended, and that Assembly Bill No. 8 be taken up out of order.

Mr. De Long moved, as an amendment, that the motion to suspend the rules be indefinitely postponed.

The motion was lost, by the following vote:

AYES—MESSRS. Boggs, Bowers, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, Mead, Moffitt, White, and Yell—18.

NOES—MESSRS. Banks, Briceland, Britt, Byrnes, Conklin, Crandall, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—21.

Mr. De Long moved to adjourn.

Roll call was demanded by Messrs. Goucher, Caminetti, and De Long.
The motion was lost by the following vote:

AYES—Messrs. Boggs, Caminetti, De Long, Dixon, Hinshaw, Sprague, and Yell—7.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—32.

Mr. De Long moved to take a recess for half an hour.

The ayes and noes were demanded by Messrs. De Long, Bowers, and Boggs.

Mr. Goucher raised the point of order that the bill is not before the Senate.

Point of order well taken.

Upon Mr. De Long's motion the roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Briceland, Caminetti, Campbell, De Long, Dixon, Fraser, Hinshaw, and Jones—9.

NOES—Messrs. Banks, Bowers, Britt, Byrnes, Conklin, Crandall, Dargie, Dray, Flint, Goucher, Greely, Hamill, Heacock, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

Mr. Greely moved the previous question.

Mr. De Long moved to adjourn.

Ayes and noes demanded by Messrs. De Long, Langford, and Bowers.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Campbell, Crandall, De Long, and Fraser—4.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

Mr. Greely moved the previous question.

Mr. De Long moved to take a recess for fifteen minutes.

Mr. Meany withdrew his motion.

Mr. Yell raised point of order that there was nothing before the Senate.

Point well taken.

Mr. De Long rose to a question of privilege, and explained his motives in opposing certain motions before the Senate.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

Read third time.

Mr. Goucher moved a call of the Senate.

Lost.

Mr. Goucher moved that the Senate do now adjourn.

Lost.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Messrs. Meany and Bowers at the bar of the Senate.

Upon motion, the Senators were excused.

Mr. Goucher moved that further proceedings under the call be dispensed with.

So ordered.

The question recurring upon Assembly Bill No. 262, the same was passed by the following vote :

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—33.

NOES—Messrs. Bowers, Conklin, Dray, Fraser, Preston, and Wilson—6.

Title read and approved.

Mr. McDonald gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 262 passed the Senate.

Mr. Yell moved to suspend the rules and consider the notice offered by Mr. McDonald.

So ordered.

Mr. McDonald moved that the Senate adjourn.

Lost.

Mr. Yell moved that the vote by which Assembly Bill No. 262 passed the Senate be now reconsidered.

Mr. Preston moved to postpone the reconsideration until to-morrow, at three o'clock and thirty minutes P. M.

So ordered.

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

Mr. Dray moved that the bill be referred to a committee of one, consisting of himself, with instructions to amend the bill so as to make the office elective.

Mr. Sprague moved as a substitute to strike out the enacting clause.

Mr. Sprague moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded :

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

The Sergeant-at-Arms reported Messrs. Campbell and McDonald at bar of Senate.

Upon motion, the Senators were excused.

Mr. Goucher moved that further proceedings under the call be dispensed with.

The question being upon Mr. Sprague's substitute, the same was lost by the following vote :

AYES—Messrs. Boggs and Hinshaw—2.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—36.

The question being upon Mr. Dray's amendment, the same was withdrawn.

Mr. Pinder moved the previous question on the passage of the bill.

So ordered.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Banks, Campbell, Conklin, Dargie, Goucher, Hamill, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—19.

NOES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, Mead, Preston, Roth, and Sprague—19.

Mr. Britt gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 115 was refused passage.

SPECIAL ORDER POSTPONED.

The special order set for five o'clock P. M. was postponed for one day.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 492, 151, and 150; also, Assembly Bill No. 613.

HAMILL, Chairman.

MOTIONS.

Mr. Jones moved to adjourn.

Mr. Pinder moved, as an amendment, that the Senate take a recess until eight o'clock P. M.

So ordered.

RECESS.

At five o'clock and ten minutes P. M. the Senate took a recess.

EVENING SESSION.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Pinder, Preston, Spellacy, White, and Williams.

Quorum present.

THIRD READING OF BILLS.

Senate Bill No. 440—An Act to amend section two hundred and sixty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to salaries of the officers and employés of the Senate and Assembly.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, White, and Williams—24.

NOES—None.

Title read and approved.

Mr. De Long granted leave of absence.

Senate Bill No. 181—An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers for school moneys left on deposit with him, aggregating the sum of fifty-three thousand seven hundred and fifty-two dollars and seventy-seven cents.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Dargie, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, White, and Williams—24.

NOES—None.

Title read and approved.

Senate Bill No. 593—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and twenty-five and one half, relating to offenses committed on public property of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, White, and Williams—26.

NOES—None.

Title read and approved.

Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Greely, Heacock, Langford, McDonald, McGowan, Mead, Moffitt, Pinder, Preston, Spellacy, Sprague, and Williams—24.

NOES—None.

Title read and approved.

Senate Bills Nos. 587, 112, 54, 275, 291, and 289 passed on file.

Mr. Dray withdrew Senate Bill No. 290 and substituted in lieu thereof Senate Bill No. 26 (No. 66 on file).

Mr. Sprague offered a substitute for Senate Bill No. 180:

An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Passed on file.

Senate Bill No. 64 passed on file.

Mr. Jones offered the following substitute for Senate Bill No. 278:

An Act to appropriate five thousand dollars for the erection of a statue of Rodman M. Price in the State Capitol.

Roll was called upon the adoption of the resolution, and the same was lost by the following vote:

AYES—Messrs. Britt, Byrnes, Caminetti, Dray, Flint, Fraser, Greely, Jones, Langford, Spellacy, and Williams—11.

NOES—Messrs. Bowers, Briceland, Campbell, Conklin, Goucher, Hamill, McGowan, Mead, Meany, Moffitt, Preston, and Sprague—12.

SECOND READING OF BILLS.

Senate Bill No. 58 withdrawn, and Senate Bill No. 508 substituted therefor.

Senate Bill No. 508—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Passed on file.

Senate Bills Nos. 85, 184, and 325 passed on file.

Assembly Bill No. 278—An Act to pay the claim of William Pyburn, his heirs or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Read second time, and ordered on file for third reading.

Senate Bill No. 619—An Act to add thirty-two sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand and six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Mr. Bowers moved to amend, as follows:

Amend line five, by striking out the word "of" and inserting in lieu thereof the word "for."

Adopted.

In section two thousand five hundred and seventy-five, insert in line nine, after the word "this," the word "Act."

Adopted.

In section two thousand five hundred and seventy-six, line eight, after the word "bonds," strike out all up to and including the word "years," in line sixteen of said section, and insert instead thereof the following:

"The Board, on entering upon the duties of their office, may, as soon as they deem it necessary for the performance of the duties required by this Act, and have funds at their disposal to pay the salaries or compensation for services rendered, appoint the following

officers, viz.: A Secretary, an Assistant Secretary, an Attorney, a Chief Engineer, a Chief Wharfinger, and such assistant wharfingers and collectors as they may deem necessary. Such officers shall hold for a term of four years from the date of their respective appointments, but may be removed by the Board at any time when their respective services are not required, or, after due investigation, for causes affecting their official character or competency. The order for such removal, stating distinctly the causes thereof, must be entered on their minutes. In case of a vacancy in such offices which the Board may deem necessary to be filled, the Board must fill the same by appointment for four years, subject to removal as hereinbefore provided in this section. During the time of any vacancy in an office to be filled by appointment of the Board, the members of the Board appointed by the Governor shall perform any and all duties of such offices necessary to be done, as far as they are able to do so, and they may employ and pay for, out of the funds at their disposal, temporary assistance in the performance of such duties."

Adopted.

In section two thousand five hundred and seventy-nine, lines twenty-five, twenty-six, and twenty-seven, strike out the words after "shall be," in the twenty-fifth line, to the word "constructed," in line twenty-seven.

Adopted.

In section two thousand five hundred and seventy-nine, line sixty, between the words "to" and "purchase," insert the words "hire, employ."

Adopted.

In section two thousand five hundred and eighty-one, strike out entire section and insert the following: "The embankments, seawalls, thoroughfares, streets, wharves, and other public places provided for in this Act, are hereby declared a public use, in the laying out and construction of which the right of eminent domain may be exercised by the Harbor Commissioners, in the name of the people of the State, for the estates and rights, and in the manner provided in part three, title seven, of the Code of Civil Procedure. The said Commissioners are authorized to pay out of the Harbor Improvement Fund any compensation and damages assessed in such proceedings."

Adopted.

In section two thousand five hundred and eighty-four, in line three, strike out the words "so much thereof as may be necessary to pay the salaries of officers." And in line six strike out the word "six" and insert the word "one."

Adopted.

In section two thousand five hundred and ninety-one, line fifty-five, add the following: "And as long as they have no engines of their own, they may hire such engines or temporarily allow railroad or other companies to move their cars with other suitable engines."

Adopted.

In section two thousand five hundred and seventy-five, line twenty-one, after the word "session," insert: "In all cases, however, where the Senate fails or refuses to confirm a nomination so made by the Governor, the official acts of the person so nominated up to the time of his non-confirmation shall be legal and valid to all intents and purposes, and he shall be entitled to his salary up to that time for his services rendered, but no further."

Adopted.

Strike out sections two thousand six hundred and five and two thousand six hundred and six, and insert the following:

Section 2005. Whenever the Board of State Harbor Commissioners for San Diego shall have located a line for a harbor embankment or seawall for any part of the harbor, as provided in section two thousand five hundred and eighty-nine, they shall make a plan and plat of all the lands of the State included between the said embankment and the shore line of the bay, and file a copy of the same with the Recorder of the County of San Diego. The Commissioners shall have the right to lease said lands, under such established rules and regulations as they may adopt and publish. But no lease shall be made or be valid for a term of more than ten years, nor shall any lease be made or be valid except made to the highest bidder, at public auction, after notice has been given in the official newspaper of the city, daily, for at least thirty days prior to said auction. And all leases shall provide for the payment of monthly rentals, and that the lessee or his

assigns shall not use said lands in any manner to decrease the amount of the tidal waters of the bay, and shall also provide for the forfeiture of said leases, upon non-fulfillment of any of the covenants in said leases. No portion of said lands shall be leased in one lease in quantity to exceed one acre, nor shall the leases of more than three acres in quantity of said lands be sold at any one public auction. All funds derived from said leases shall be reported to and paid out from the State Treasury, as provided in section two thousand five hundred and eighty-four.

Adopted.

Section 2605. No special privilege or franchise granted within the City of San Diego by the Commissioners to any person or corporation to use any of the lands of the State or the extended streets provided for by section two thousand five hundred and eighty, shall be valid until the same be ratified and confirmed by ordinance of the Common Council of the City of San Diego.

Adopted.

Add the following:

Section 2607. The monthly salaries of the officers of the Board shall be as follows: Each of the three Commissioners, one hundred and fifty dollars; the Secretary, one hundred and twenty-five dollars. The salaries and compensation of all other officers and employes, when appointed, shall be fixed by a majority of the full Board of Harbor Commissioners, and all salaries shall be paid monthly in warrants on the State Treasury, signed by the President and Secretary of the Board.

Adopted.

Add the following:

Section 2608. The Attorney-General of the State must give such legal advice and render such legal services as may from time to time be required of him by the Commissioners, in connection with their duties, without further compensation.

Adopted.

Amend title by making the number of sections thirty-four instead of thirty-two, and adding numbers two thousand six hundred and seven and two thousand six hundred and eight.

Adopted.

Senate Bill No. 619 read second time, ordered printed, and passed on file.

Senate Bills Nos. 153 and 388 passed on file.

Senate Bill No. 444 ordered engrossed and to a third reading.

REPORT OF STANDING COMMITTEE.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 322—An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year—beg leave to report the same back, with a recommendation that it do pass.

MOFFITT, Chairman.

MOTIONS.

Mr. Jones moved to adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Dray, Jones, McDonald, Preston, and Sprague—6.

NOES—Messrs. Bowers, Britt, Byrnes, Caminetti, Campbell, Dargie, Dixon, Flint, Fraser, Greely, Heacock, Langford, McComas, McGowan, Mead, Meany, Moffitt, and Spellacy—18.

Mr. Jones moved a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Byrnes, Campbell, Jones, McDonald, Preston, and Sprague—7.
 NOES—Messrs. Bowers, Briceland, Caminetti, Dargie, Dixon, Dray, Flint, Fraser, Greely, Heacock, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, and Spellacy—18.

Mr. McDonald moved that the Senate do now adjourn.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Campbell, Dixon, Dray, Flint, Jones, McDonald, Meany, Pinder, Preston, and Sprague—14.

NOES—Messrs. Bowers, Caminetti, Dargie, Fraser, Greely, Heacock, Langford, McComas, McGowan, Mead, Moffitt, and Spellacy—12.

ADJOURNMENT.

Thereupon, at ten o'clock P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
 Friday, March 1, 1889. }

The Senate met pursuant to adjournment.

President pro tem, White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of Wednesday approved.

REPORTS OF STANDING COMMITTEES.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

SENATE CHAMBER, SACRAMENTO, February 25, 1889.

MR. PRESIDENT: Your Committee on Commerce and Navigation respectfully report that the number of miles traveled by each member of said committee who visited the Harbor of San Diego and surroundings, at San Diego, California, is as follows:

J. R. Spellacy, 1,132 miles	\$113 20
T. J. Pinder, 1,132 miles	113 20
J. W. Welch, 1,132 miles	113 20
J. D. Byrnes, 1,132 miles	113 20
David Neagle, Clerk, 1,132 miles	113 20

Respectfully submitted.

SPELLACY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted with the following amendment:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant for the sum of one hundred and thirteen dollars and twenty cents each, against the Contingent Fund of the Senate, in favor of J. R. Spellacy, T. J. Pinder, J. W. Welch, J. D. Byrnes, and David Neagle for said amount.

FRASER, for Committee.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

The Committee on Claims respectfully report that the following named witnesses are entitled to mileage, as follows:

R. Pacheco	\$16 80
Thomas Beck	16 80
J. A. Johnson	16 80
Total	\$50 40

MEANY, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with the following amendment:

Resolved, That the Controller of State be and he is hereby directed to draw his warrants for the sum of sixteen dollars and eighty cents each, against the Contingent Fund of the Senate, in favor of said R. Pacheco, Thomas Beck, and Jas. A. Johnson for said amount.

FRASER, for Committee.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: The sub-Committee on State Hospitals having obtained leave of absence, report the following number of miles traveled by the members thereof:

Senator Mead, 182 miles	\$18 00
Senator Dixon, 182 miles	18 00
Senator Briceland, 182 miles	18 00
Committee Clerk, 182 miles	18 00
Total	\$72 00

BRICELAND, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted with the following amendment:

Resolved, That the Controller of State be and he is hereby directed to draw his warrants for the sum of eighteen dollars each against the Contingent Fund of the Senate in favor of Senators Mead, Dixon, Briceland, and N. Briceland, Clerk, for said amount.

FRASER, for Committee.

Adopted.

Mr. Fraser moved to make the report concerning the Harding vs. Sprague contest a special order for this evening, at eight o'clock.

So ordered.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 631—An Act to establish a State Normal School in the City and County of San Francisco—recommend that the same be withdrawn by the author, as it is a duplicate of Assembly Bill No. 593, herewith reported.

Senate Bill No. 631 withdrawn.

Also, Assembly Bill No. 593—An Act to establish a State Normal School in the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 617—An Act appropriating the sum of fifteen thousand dollars for the purchase of Copyright No. 15,097, entitled "Insects Injurious and Beneficial: their Natural History and Classification," etc., now known as "Cooke's School Entomology"—have had the same under consideration, and respectfully report the same back without recommendation.

CAMINETTI, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled: Senate Bills Nos. 203, 229, 232, 234, 226, 240, 171, 172, 173, 28, 37, and 42, as follows:

Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.
Also, Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Also, Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberger.

Also, Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claims of Trustees of the State Normal School at Chico.

Also, Senate Bill No. 240—An Act making an appropriation to pay the claims for drap-
ping the State Capitol on the occasion of the death of the late Governor Bartlett.

Also, Senate Bill No. 171—An Act to amend section ten of the Code of Civil Procedure, relating to legal holidays.

Also, Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Also, Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Also, Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section —, relating to hotels, inns, restaurants, boarding houses, and lodging houses.

Also, Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure.

Also, Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, being read in evidence without further proof.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 28, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 55—An Act making an appropriation for the deficiency in the appropriation for pay of stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 116—An Act making an appropriation to pay the claim of Thomas O'Neill.

Also, Senate Bill No. 233—An Act making an appropriation to pay the claim of J. J. Lynch.

Also, Senate Bill No. 235—An Act making an appropriation to pay the claim of James Touhey.

Also, Senate Bill No. 238—An Act making an appropriation to pay the claim of John A. Cole.

Also, Senate Bill No. 239—An Act making an appropriation to pay the claim of Charles E. Hughes.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 63—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, and to repeal the Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;" also, to repeal an Act, approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State."

Also, Substitute for Assembly Bill No. 69—An Act to amend sections two, three, four, five, seven, eight, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called section twelve and one half.

E. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Assembly Bill No. 63 on file.

Mr. Murphy withdrew Senate Bill No. 423 (No. 136 on file), and substituted in lieu thereof Substitute for Assembly Bill No. 69.

Substitute for Assembly Bill No. 69—An Act to amend sections two, three, four, five, seven, eight, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called section twelve and one half.

Read first time.

Senate Bill No. 268 withdrawn.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 549—An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen, of the Political Code of the State of California, relating to the definition of terms.

Also, Assembly Bill No. 200—An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk.

Also, Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill No. 549 referred to Committee on Judiciary.

Senate Bill No. 122 (No. 286 on file) withdrawn, and Assembly Bill No. 200 substituted in lieu thereof.

Senate Bill No. 2 ordered to enrollment.

SPECIAL FILE.

Senate Constitutional Amendment No. 8—Proposed amendment to article four of the Constitution, relating to the sessions of the Legislature.

Passed on file.

Senate Constitutional Amendment No. 7—To propose an amendment to section seven, of article nine, of the Constitution of the State of California.

Passed on file.

Senate Constitutional Amendment No. 9—Proposed amendment to section one, article eleven, of the Constitution, relating to the rights of suffrage.

Passed on file.

Senate Constitutional Amendment No. 11—To propose an amendment to section ten, of article thirteen, of the Constitution of the State of California.

Passed on file.

MOTION TO RECONSIDER.

Mr. McGowan moved to reconsider the vote by which Senate Bill No. 473—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as section three hundred and seventy-two of said Code—was refused passage.

The roll was called, and the reconsideration refused by the following vote:

AYES—Messrs. Bowers, Britt, Byrnes, Campbell, Conklin, Crandall, De Long, Heacock, Langford, McGowan, Pinder, Preston, and Roth—13.

NOES—Messrs. Banks, Boggs, Briceland, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, Mead, Meany, Moffitt, Murphy, Sprague, Welch, White, Williams, and Wilson—22.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 444 and 33; also, Substitute Senate Bill No. 188.

GREELY, Acting Chairman.

GENERAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 278—An Act to pay the claim of William Pyburn, his heirs or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians.

Bill read third time, and passed by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—None.

Title read and approved.

Mr. Campbell declined to vote.

Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code." approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Bill read third time, and passage refused by the following vote:

AYES—MESSRS. Bowers, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Goucher, Greely, Langford, McComas, McGowan, Mead, Moffitt, White, Williams, Wilson, and Yell—18.

NOES—MESSRS. Banks, Boggs, Briceland, Caminetti, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, McDonald, Murphy, Preston, Roth, Spellacy, Sprague, and Welch—17.

NOTICE OF RECONSIDERATION.

Mr. Heacock gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 151 was refused passage.

SPECIAL ORDER.

Substitute for Senate Bill No. 180—An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers." approved March 29, 1878.

The following communication in regard to the subject-matter was read, and ordered spread on the minutes:

OFFICE OF THE STATE ENGINEER, STATE OF CALIFORNIA, }
SACRAMENTO, February 28, 1889. }

Hon. S. M. WHITE, *President pro tem. Senate of California*:

DEAR SIR: Relative to the proposed transfer of the office of State Engineer to the State Mineralogist, please say for me that the movement is made entirely with my approval. It is well that it should be made, for the following reasons:

1. It should be a measure of economy to consolidate the two offices.
2. If any consolidation is to be made, it is a proper thing to consolidate the two technical surveys—the mineralogical or geological survey and the physical or irrigation survey—as these are consolidated under one general head in the General Government work. [The United States Physical or Irrigation Survey is in general charge of the Director of the United States Geological Survey.]
3. With such consolidation in California, the State may most fittingly cooperate with the General Government work of similar character, as suggested in a recent letter from Director Powell to Governor Waterman she should do.
4. Whenever it is determined to suspend, or altogether close, the State physical survey, the State Mineralogist is, in my judgment, the most fitting officer into whose hands the effects of the State Engineering Department should go.
5. Whenever it is determined to carry forward the physical or irrigation surveys, the State Mineralogist (aside from an independent State Engineer) is the most fitting officer of the State to have it in charge. The person occupying the office of Mineralogist will, at all times, be a man of technical acquirement, and qualified to select suitable persons to do the engineering work; and this cannot be said with certainty of any other executive State officer.
6. The Great State Map, now nearly completed under my direction and well under way in process of lithographing, is the necessary basis for the State mineralogical and geological work, and, if for no other reason, should be completed for that use.

Very respectfully, your obedient servant,

WILLIAM HAM. HALL, State Engineer.

MOTIONS.

Mr. Preston moved that the substitute be printed.

So ordered.

Mr. Sprague moved that substitute for Senate Bill No. 180 be made the special order for to-morrow morning, at eleven o'clock.

So ordered.

THIRD READING OF BILLS—(RESUMED).

Substitute for Assembly Bill No. 72—An Act to amend section one (1), to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880, amended March 6, 1883, amended March 9, 1885, amended March 14, 1885, amended March 9, 1887, to repeal all laws amendatory thereof, and to provide for the reorganization of existing districts, and the formation of new districts.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Moffitt, Murphy, Preston, Roth, Sprague, White, and Williams—29.

NOES—None.

Title read and approved.

Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction, along the exterior waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Sprague, Welch, White, and Williams—30.

NOES—Mr. McGowan—1.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Constitutional Amendment No. 14—Relative to the salary of the Supreme and Superior Court Judges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BOGGS, Chairman.

RECESS.

The hour of recess having arrived, the Senate took the usual noon recess.

REASSEMBLED.

At one o'clock and thirty minutes P. M., the Senate reassembled.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 281—An Act for the relief of Geo. Nightingale, Michael Ryan, John H. Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Margaret Coogan, Elizabeth Overend, Bridget F. Houston, Timothy Murphy, James McClough, James Hartford, Ellen J. McArevey, and Eliza Kelleher, whose houses have been destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along the Port of San Francisco, in the State of California—have had the same under consideration, and respectfully report the same back without recommendation, as amended.

MEANY, Chairman.

ON YOSEMITE VALLEY, FORESTRY, AND MARIPOSA BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Yosemite Valley, Forestry, and Mariposa Big Tree Grove, to whom was referred Senate Bill No. 573—An Act to authorize the Commissioners to Manage the Yosemite Valley and the Mariposa Big Tree Grove to cause the survey, location, and construction of a road connecting Yosemite Valley with Mono Lake, and appropriating money therefor—have had the same under consideration, and respectfully report the same back without recommendation.

MEANY, Chairman.

ON MINES, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Mines, Drainage, and Mining Debris, to whom was referred Senate Bill No. 510—An Act to provide for the appointment of an Examining Commission on Rivers and Harbors, defining their duties and powers, and prescribing their compensation—have had the same under consideration, and report the same back without recommendation.

MEAD, Chairman.

PERMISSION GRANTED.

Mr. Goucher asked leave to introduce a bill out of order.

The roll was called, and the leave granted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

INTRODUCTION OF BILL.

By Mr. Goucher: Senate Bill No. 653—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

MOTION.

Mr. Goucher moved that the bill be placed on file, and made a special order for to-morrow, at two o'clock and fifteen minutes p. m.

So ordered.

PERMISSION GRANTED.

Mr. White asked leave to introduce a bill out of order.

The roll was called, and leave granted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

INTRODUCTION OF BILL.

By Mr. White: Senate Bill No. 654—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-eight, seven hundred and forty-nine, and seven hundred and fifty, relating to actions to quiet title to real property.

Referred to Committee on Judiciary.

THIRD READING OF BILLS.

Senate Bill No. 150—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Sprague, White, Williams, and Wilson—34.

NOES—None.

Title read and approved.

Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities, and towns to acquire, maintain, and improve public parks and boulevards.

Mr. Moffitt moved to refer the bill to a committee of one, consisting of Mr. Dargie, with instructions to amend, as follows:

In line two, section five, page two, strike out the word "or," and insert the word "and."

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 444, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DARGIE, Select Committee.

Adopted.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your special committee, appointed to act in conjunction with a similar committee from the Assembly, with a view of considering all proposed amendments to the election laws, recommend the immediate passage of Senate Bill No. 146, with certain amendments, and to postpone further action of the other measures introduced until their final determination by the Assembly.

ROTH, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 33—An Act to amend section nine hundred and ninety-six of the Political Code, to declare when a vacancy exists in any elective or appointive office, Board, or Commission of any county, city, city and county, township, or municipality, and to provide for filling the same.

Read third time.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Moffitt at the bar of the Senate.

Mr. Murphy moved that he be excused.

So ordered.

Further proceedings under the call were dispensed with.

PREVIOUS QUESTION.

Mr. Yell moved the previous question.

So ordered.

The roll was called upon the passage of Senate Bill No. 33, and the same was passed by the following vote:

AYES—MESSRS. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—23.

NOES—MESSRS. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Greely, Heacock, McComas, McGowan, Preston, and Sprague—16.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 33 passed the Senate.

MOTION TO RECONSIDER.

Mr. Britt moved to reconsider the vote by which Senate Bill No. 115 was refused passage on yesterday.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Flint, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Wilson—27.

NOES—Messrs. Boggs, Briceland, Crandall, Dray, Heacock, Hinshaw, Mead, Preston, and Roth—9.

Senate Bill No. 115—An Act to provide for the appointment of a Board of Examining Engineers to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Campbell, Conklin, Dargie, Goucher, Hamill, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, Wilson, and Yell—23.

NOES—Messrs. Boggs, Briceland, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Mead, Preston, Roth, and Sprague—15.

Title read and approved.

RESOLUTION—(OUT OF ORDER).

By Mr. Moffitt:

Resolved, That the roll of the Senate be now called, and that each Senator as his name is called be allowed to call up, out of order, one bill, which is now upon the second reading file.

Mr. Moffitt moved to suspend the rules, and that the resolution be adopted.

Mr. Caminetti moved a call of the Senate.

The ayes and noes were demanded by Messrs. Caminetti, Jones, and Dray, and the roll was called with the following result:

AYES—Messrs. Bowers, Briceland, Caminetti, Conklin, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—29.

NOES—Messrs. Britt, Byrnes, Crandall, Hamill, Heacock, and Welch—6.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Boggs at the bar of the Senate.

Upon motion, he was excused.

The question recurring upon the motion to suspend the rules.

Mr. Williams moved the previous question.

Mr. Caminetti moved to adjourn.

The ayes and noes were demanded by Messrs. Caminetti, Hinshaw, and Jones.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, Dray, Hinshaw, Jones, and Preston—7.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.

Mr. Caminetti moved to take a recess until eight o'clock P. M.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, Hinshaw, and Jones—5.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

The question being, "Shall the previous question be now put?"

Mr. Boggs arose to a question of privilege.

Mr. Campbell moved to take a recess until seven o'clock P. M.

The roll was called, and the motion of Mr. Campbell was lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, Fraser, Hinshaw, and Jones—6.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

Mr. Williams moved the previous question.

The question being, "Shall the previous question be now put?"

Mr. Caminetti moved to make the whole subject-matter a special order for eight o'clock P. M.

The Chair ruled the motion out of order.

Mr. Caminetti appealed from the decision of the Chair, and the Chair was sustained by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—33.

NOES—Messrs. Caminetti, Campbell, De Long, and Hinshaw—4.

Upon the motion, "Shall the motion of the previous question be now put?" the roll was called, and the motion was carried by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, Dixon, Flint, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—26.

NOES—Messrs. Boggs, Caminetti, Campbell, De Long, Dray, Fraser, Heacock, Hinshaw, Jones, Preston, White, and Yell—12.

The question being upon the suspension of rules.

Mr. Caminetti moved that the Senate do now adjourn.

Declared out of order.

The roll was called upon the question of suspending the rules, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Dargie, Flint, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—25.

NOES—Messrs. Boggs, Caminetti, Campbell, De Long, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Preston, White, and Yell—13.

Mr. Crandall declined to vote.

Mr. Moffitt's resolution was now read, and Mr. Wilson moved its adoption.

Mr. Boggs moved that the subject-matter be made a special order for next Tuesday morning.

Mr. Sprague moved the previous question.

Mr. Caminetti moved to take a recess until seven o'clock and thirty minutes P. M.

Mr. Caminetti moved a call of the Senate.

Lost.

The question recurring upon Mr. Caminetti's motion to take a recess until seven o'clock and thirty minutes P. M., the same was lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, De Long, Dixon, Fraser, Heacock, Hinshaw, Jones, Preston, and Yell—11.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Dargie, Dray, Flint, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—27.

Mr. Caminetti moved to adjourn.

The ayes and noes were demanded by Messrs. Jones, Caminetti, and Fraser.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, De Long, Dixon, Fraser, Heacock, Hinshaw, Jones, Preston, and Yell—11.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Dargie, Dray, Flint, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—27.

RESOLUTION.

By Mr. De Long:

Resolved, That Assembly Bill No. 8, known as the Glenn County Bill, is hereby made the special order for Tuesday next, immediately after the reading of the Journal, and thereupon said bill shall go upon the special file.

Adopted.

RECESS.

At five o'clock and thirty minutes, on motion of Mr. Jones, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams.

Quorum present.

The report of the committee thereon was read and adopted.

REPORTS OF STANDING COMMITTEES.

ON MILEAGE.

Mr. Murphy presented the following reports, which were read and adopted:

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

SENATE CHAMBER, SACRAMENTO, February 27, 1889.

MR. PRESIDENT: Your Committee on Military Affairs beg leave to report that the members of your committee named herein visited Los Angeles and San Diego, and found the military organizations in excellent condition, due largely, we regret to say, to the advancement of private funds for their support. The organizations are entitled to every encouragement and a liberal support. Especial mention is due to Company "B" of San Diego for unusual interest and efficiency.

And your committee also report that the following members of the committee—Messrs. McGowan, Pinder, Bowers, Crandall, and Clerk Harrington—are entitled to mileage as follows: From Sacramento to Los Angeles and San Diego, and return to Sacramento, eleven hundred and thirty-two miles, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Expense Fund of the Senate in favor of Frank McGowan for the sum of five hundred and sixty-six dollars, being the sum of one hundred and thirteen dollars and twenty cents for each member and clerk of committee who attended.

YELL, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Geo. W. Faylor for the sum of three hundred and sixteen dollars and seventy-five cents, payable out of the Contingent Fund, for expenses and mileage in securing witnesses in the matter of State prisons investigation.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment, inserting the words "of the Senate" after the word "fund."

MURPHY, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 317—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by amending section two thousand two hundred and nine thereof, relating to damages awarded when telegraphic messages are refused—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GOUCHER, Chairman.

RESOLUTIONS.

By Mr. Williams:

Resolved, That Senators Williams, Banks, Hamill, and Murphy be and they are hereby allowed the sum of sixteen dollars and eighty cents each, mileage to and from San Francisco, for investigating the Telegraph Hill claims, and the Controller is hereby directed to draw his warrants for each of said persons for the amounts named, payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Meany:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of forty dollars in favor of Jerome B. Brown, for attendance before Senate Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove:

Three hundred miles.....	\$30 00
Per diem, five days.....	10 00
Total.....	\$40 00

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

CONCURRENT RESOLUTION.

By Mr. Dargie: Senate Concurrent Resolution No. 20—Memorializing Congress to hasten the completion of Oakland Harbor, and to appropriate five hundred thousand dollars therefor.

Referred to Committee on Federal Relations.

MOTION.

Mr. Goucher moved that during this evening's session it be the sense of the Senate that the regular file, including the special order, be agreed to. Carried.

SPECIAL ORDER.

Consideration of reports of Committee on Attachés, etc., on the expenses of contestant and respondent in the contested election of Sullivan vs. Banks.

Mr. Dray in the chair.

Mr. Wilson moved to adopt the report of the Committee on Attachés, Contingent Expenses, and Mileage.

So ordered.

Mr. Pinder moved to take up the case of J. J. Sullivan vs. W. O. Banks.

So ordered.

The report of the committee was read and adopted, as follows :

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of three thousand three hundred and forty-one dollars and sixty-five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to W. O. Banks, for expenses incurred by him in the contested election case of Sullivan vs. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. O. Banks for the said sum.

Expenses in contested election case of Sullivan vs. Banks, on the part of respondent, W. O. Banks:

Notaries' fees	\$5 50
Certified copies	12 00
Typewriter copies	24 00
Reporters' fees	521 40
One half of Justices' fees	75 00
Serving subpoenas and mileage of witnesses	163 00
Services of men watching ballots, taking tallies, and hunting witnesses	360 00
Dorn & Dorn, and P. Reddy, attorneys' fees as counsel	1,000 00
Incidental expenses	120 00
Twenty-one witnesses, at \$2 per day, four days	168 00
Eleven witnesses, six days, at \$2 per day	132 00
Seven witnesses, five days, at \$2 per day	70 00
Fifteen witnesses, five days, at \$2 per day	150 00
Notaries' fees and reporters' charges, taking deposition of John D. Siebe	41 75

Total.....\$2,841 65

Have had the same under consideration, and respectfully report the same back, and recommend that the following resolution be adopted:

Resolved, That the sum of two thousand eight hundred and forty-one dollars and sixty-five cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to W. O. Banks, for expenses incurred by him in the contested election case of Sullivan vs. Banks, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of W. O. Banks for the said sum.

FRASER, for Committee.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of three thousand three hundred and forty-six dollars and forty cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John J. Sullivan, for the expenses incurred by him in the contested election case of John J. Sullivan vs. W. O. Banks; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John J. Sullivan for the said sum.

Expenses in contested election case of Sullivan vs. Banks on the part of contestant, John J. Sullivan:

T. J. and A. J. Clunie, fees as attorneys for contestant.....	\$1,000 00
Filing statement of contest.....	7 50
Serving statement of contest.....	5 00
Serving citation of Clerk.....	5 00
Verifications.....	3 50
Certified copies.....	10 00
Typewriter copies, statement.....	23 00
Reporters' fees.....	611 40
Services of men hunting witnesses, watching ballots, and taking tallies.....	382 00
One half Justices' fees.....	75 00
Incidental expenses.....	100 00
Witness fees—twenty-three witnesses, three days at \$2 per day.....	138 00
Witness fees—nineteen witnesses, seven days at \$2 per day.....	266 00
Witness fees—nine witnesses, four days at \$2 per day.....	72 00
Serving subpoenas, and mileage of witnesses.....	148 00

Total.....\$2,846 40

Have had the same under consideration, and respectfully report the same back, and recommend that the following resolution be adopted:

Resolved, That the sum of two thousand eight hundred and forty-six dollars and forty cents be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to John J. Sullivan, for the expenses incurred by him in the contested election case of John J. Sullivan vs. W. O. Banks; and the Controller is hereby directed to draw his warrant on the Treasurer in favor of John J. Sullivan for the said sum.

FRASER, for Committee.

Mr. Meany moved that the resolution reported by the committee in favor of J. J. Sullivan be adopted.

The roll was called, and the resolution was adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Campbell, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—29.

NOES—Messrs. Caminetti, Crandall, and Heacock—3.

Mr. Caminetti voted “no,” explaining his vote by saying that he is opposed to allowing any expenses in contests of this kind.

Mr. Wilson moved that the resolution reported by the committee in favor of W. O. Banks be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Campbell, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—28.

NOES—Messrs. Caminetti, Crandall, and Heacock—3.

Mr. Banks moved that the case of G. P. Harding vs. F. S. Sprague be taken up.

So ordered.

The report of the committee was read and adopted, as follows:

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Expenses of Geo. P. Harding in contest before Senate against Frank S. Sprague:

Paid J. E. Walden, printing	\$8 75
Paid Sheriff of Napa County, serving papers	3 80
Paid D. Shakespear, Clerk of Napa County	4 75
Paid Justices of the Peace, taking testimony	145 65
Paid Sheriff's fees, mileage, and subpoenaed ninety-three witnesses	168 70
Paid Mr. Roberts, copying register Veterans' Home	5 00
Paid eighty-seven witnesses mileage and per diem	208 60
Paid buggy hire	53 00
Paid expenses of two trips to Napa from Woodland	19 60
Paid expenses in Sacramento	81 80
Paid counsel fees	1,000 00
Total	\$1,699 65

Be it resolved by the Senate, That the Controller of State be and he is hereby directed to draw his warrant for the sum of one thousand six hundred and ninety-nine dollars and sixty-five cents against the Contingent Fund of the Senate in favor of Geo. P. Harding, in payment of the said Harding's fees and disbursements on account of his contest against Frank S. Sprague for a seat in the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FRASER, for Committee.

Also :

SENATE CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the sum of one thousand four hundred and thirty-six (\$1,436) dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to F. S. Sprague for the expenses incurred by him in the contested election case of G. P. Harding vs. F. S. Sprague, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of F. S. Sprague for said amount of one thousand four hundred and thirty-six (\$1,436) dollars.

Expenses of F. S. Sprague in contested election case of G. P. Harding vs. F. S. Sprague:

Traveling expenses for self and counsel from Woodland to Napa and while in Napa County attending contest	\$75 00
Board and living expenses while attending the taking of evidence, for self and counsel	100 00
Mr. Roberts, for transcribing payroll	5 00
Expenses of counsel two (2) trips to Sacramento, and living expenses while there	35 00
Telegraphing	5 00
Eight witnesses	16 00
Counsel fees	1,200 00
Total	\$1,436 00

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, as follows:

Resolved, That the sum of twelve hundred and thirty-six (\$1,236) dollars be and the same is hereby allowed and ordered paid out of the Contingent Fund of the Senate to F. S. Sprague, for the expenses incurred by him in the contested election case of G. P. Harding vs. F. S. Sprague, and the Controller is hereby directed to draw his warrant on the Treasurer in favor of F. S. Sprague for said amount of one thousand two hundred and thirty-six dollars.

FRASER, for Committee.

Mr. Wilson moved that the resolution reported by the committee in favor of F. S. Sprague be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Brynes, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, Wilson, and Yell—29.
 NOES—Messrs. Caminetti and Heacock—2.

Mr. Meany moved that the resolution of the committee in favor of George P. Harding be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Brynes, Campbell, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—28.
 NOES—Messrs. Bowers, Caminetti, and Heacock—3.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities, and towns, to acquire, maintain, and improve public parks and boulevards.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Heacock, Jones, McOmras, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Mr. Wilson moved to commit the bill to a committee of one, consisting of Mr. Murphy, to make amendments.

So ordered.

Mr. Murphy moved, as an amendment, that the amendments be printed in Journal, and that the bill retain its place on file.

So ordered.

AMENDMENTS.

By Mr. Wilson:

Amend section one by adding the following words, viz.: "*provided*, that the Governor of the State is hereby authorized to appoint three members to constitute said Board of Auditors immediately after the passage of this Act, who shall hold their offices until the Board of Auditors, who shall be elected at the next general election under the provisions of this Act, shall be elected and qualify."

Mr. Heacock moved to recommit to committee of one, with instructions to amend, as follows:

At the end of line eight, page two, insert the words: "receiving State aid;" and in line eleven, page two, after the word "institutions," insert the words: "receiving State aid;" and strike out the words, "and charitable institutions receiving State aid," in lines fifteen and sixteen, page two.

By Mr. Wilson:

Amend section six by adding the words, as follows: "The members of the Board are entitled to their actual traveling expenses, and for contingent clerical assistance while traveling, incurred by them in the discharge of their duties, and the sum of five thousand dollars for each fiscal year is hereby continuously appropriated out of the General Fund of the State Treasury to pay the same."

Also, amend section nine by striking out the words "section one of."

Also, strike out all of section ten.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving pure California wine labels.

Read second time and ordered to a third reading.

Mr. White withdrew Senate Bill No. 112, and substituted Senate Bill No. 601 in lieu thereof.

Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

Read second time and ordered to a third reading.

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 291—An Act to create the State Board of Water Commissioners, and prescribing its duties and powers.

Mr. Caminetti offered a substitute, which was ordered printed.

Mr. Jones moved to withdraw Senate Bill No. 278, and substitute Senate Bill No. 146 therefor.

So ordered.

Senate Bill No. 146—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Mr. Jones offered a substitute for Senate Bill No. 146.

Substitute adopted and ordered printed.

Mr. Caminetti moved to withdraw Senate Bill No. 289, and substitute Senate Bill No. 178 therefor.

So ordered.

Senate Bill No. 178—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto.

Read second time, and ordered to a third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Constitutional Amendment No. 6—have had the same under consideration, and herewith submit a substitute therefor, and respectfully report the same back, and recommend that it be adopted.

BOGGS, Chairman.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 67—An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose.

Read second time, and ordered to a third reading.

Mr. Britt asked leave to withdraw Senate Bill No. 85 (No. 27 on file), and substitute Senate Bill No. 216 (No. 155 on file).

Objection was made by Mr. Jones.

Mr. Campbell asked leave of absence for Mr. Goucher for the evening, on account of illness.

Leave granted.

Mr. Crandall moved that Mr. Murphy be allowed to make the substitution asked for by him.

MOTION TO ADJOURN.

Mr. Boggs moved that the Senate adjourn.

The roll was called, and the motion was lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Campbell, Dray, Fraser, Hinshaw, Jones, Mead, Preston, and Roth—12.

NOES—Messrs. Britt, Caminetti, Crandall, Dargie, Dixon, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Meany, Mollitt, Murphy, Spellacy, Sprague, Welch, and Williams—18.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Jones, the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Saturday, March 2, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Mollitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of Thursday approved.

PETITION.

By Mr. White:

SAN FRANCISCO, March 1, 1889.

To Hon. STEPHEN M. WHITE, *President of the Senate*:

The following resolution has just been unanimously passed by the Horticultural Society: WHEREAS, Senate Bill No. 611 An Act to establish a Department of Agriculture—is opposed to the best interests of the horticulturists of this State; therefore, be it

Resolved, That the California State Horticultural Society, at its regular meeting held to-day, strongly urges the Legislature not to pass said bill, as it will overthrow much valuable work, and is entirely unsupported by those who have at heart the best interests of our horticultural, viticultural, and agricultural industries.

GILBERT TOMPKINS, Chairman of Committee.

REPORTS OF STANDING COMMITTEES.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 2—An Act making an appropriation of money for the use of the State Board of Forestry.

Also, Senate Joint Resolution No. 4—Relative to a charter for the City of Stockton.
And have, this day, delivered the same to the Governor.

MEAD, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

Also, Senate Bill No. 144—An Act to appropriate money for the completion and furnishing of the building of the Northern Branch State Normal School at Chico.

Also, Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 144—An Act to appropriate money for the completion and furnishing of the building of the State Normal School at Chico.

Also, Senate Bill No. 228—An Act making an appropriation to pay the claim of N. P. Cole & Co.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 240—An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett.

Also, Senate Bill No. 234—An Act making an appropriation to pay the claim of C. M. Bumbaugh.

Also, Senate Bill No. 232—An Act making an appropriation to pay the claim of William Gutenberger.

Also, Senate Bill No. 229—An Act making an appropriation to pay the claim of S. W. Raveley.

Also, Senate Bill No. 226—An Act making an appropriation to pay the claims of the Trustees of the State Normal School at Chico.

Also, Senate Bill No. 203—An Act making an appropriation to pay the claim of W. E. Doan.

Also, Senate Bill No. 173—An Act to amend section ten of the Political Code, relating to legal holidays.

Also, Senate Bill No. 172—An Act to amend section seven of the Civil Code, relating to holidays.

Also, Senate Bill No. 171—An Act to amend sections ten and one hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to legal holidays and non-judicial days.

Also, Senate Bill No. 42—An Act to amend section one thousand nine hundred and fifty-one of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, or copies of the record thereof being read in evidence without further proof.

Also, Senate Bill No. 37—An Act to amend section one thousand and fifty-four of the Code of Civil Procedure of the State of California, relating to the time within which an Act is to be done and extended.

Also, Senate Bill No. 28—An Act to add a new section to the Penal Code, to be known as section five hundred and thirty-seven, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging houses.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 1, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that, under a resolution heretofore adopted by the Assembly, I have organized an investigation into the management of the prisons of the State, and at the initial meeting held this day at my office, at eleven o'clock, such organization was effected. Hon. W. C. Van Fleet, Judge of the Superior Court, County of Sacramento, Department No. 2, has been requested to sit with me during the

investigation, for the disposition of any question of law arising, and has signified that he will comply with the request. Rules were adopted to govern the investigation, and I have appointed a competent stenographer to take said proceedings. I have the honor, further, to inform you that I have adjourned said investigation to Saturday, March 16, 1889, at ten o'clock A. M., at this office, and I respectfully request that all persons having specific charges to make against the Board of State Prison Directors or any individual member of said Board or other officer of the prisons of the State, to present the same in writing, and sworn to, on or before Saturday, March 16, 1889, as it is my wish to make this investigation thorough and complete, so that the people may fully and intelligently understand the matter, and I trust in so doing I will receive every assistance that can possibly be afforded me by your honorable body.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 357—An Act to authorize the payment of claims against the State which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Also, Senate Bill No. 124—An Act making an appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Also, Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 357 and 124 ordered to enrollment.

Senate Bill No. 140 returned to the Assembly, in order to correct errors in the message relative thereto.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill (substitute) No. 328—An Act to amend section one thousand and ninety-seven of the Political Code, relating to registration of electors.

Also, Concurrent Resolution No. 13—Relative to the distribution of laws.

Also, Assembly Concurrent Resolution No. 15—Relative to the distribution of irrigation reports to each State and Territorial library.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 464—An Act making an appropriation for the arrangement and protection of the State Mineral Cabinet, under direction of the Trustees thereof.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill (substitute) No. 328 referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 13 ordered on file.

Assembly Concurrent Resolution No. 15 ordered on file.

Senate Bill No. 595 withdrawn and Assembly Bill No. 464 substituted therefor.

Assembly Bill No. 464—An Act making an appropriation for the arrangement and protection of the State Mineral Cabinet, under direction of the Trustees thereof.

Read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one,

one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, one thousand one hundred and ninety-one, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Also, that the Assembly has concurred in the Senate amendments to Assembly Bill No. 72—An Act to amend section one (1) and to repeal sections two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), and to renumber sections twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same," approved April 15, 1880.

Also, passed Assembly Bill No. 178—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Read first time.

Senate Bill No. 199 withdrawn, and Assembly Bill No. 178 substituted therefor.

Assembly Bill No. 178—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1880.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company F, Second Infantry Regiment, Second Brigade, N. G. C., pursuant to Special Orders No. 26, Series 1880.

Also, Substitute for Assembly Bill No. 452—An Act to provide for the survey of certain State lands, and to appropriate money to defray the expenses thereof.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill No. 452—An Act to provide for the sale of certain State lands, and to appropriate money to defray the expenses thereof.

Referred to Committee on Public, Swamp, and Overflowed Lands.

AMENDMENT TO SENATE BILL No. 48 CONCURRED IN.

Amend, by adding to section one the following:

The Controller of State is hereby directed to draw his warrant for said sum, and the Treasurer of State is hereby directed to pay the same, exempt from provisions of section six hundred and seventy-two of the Political Code.

Mr. Moffitt moved that the Senate concur in the amendment to Senate Bill No. 48.

The roll was called, and the Senate concurred in the amendment by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Spellacy, Welch, White, Williams, and Wilson—27.
 NOES—None.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed and amended Senate Bill No. 140, and respectfully asks your honorable body to concur in said amendment.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Clerk.

AMENDMENTS TO SENATE BILL No. 140.

Amended, in section one, line eight, by omitting the word "substance."
 Amended by adding a new section, to be known as section two, to read as follows:

SEC. 2. This Act shall take effect on and after the first day of September, 1889.

The Senate concurred in the amendments by the following vote:

AYES—Messrs. Banks, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Welch, White, Williams, and Wilson—25.
 NOES—None.

Senate Bill No. 140 ordered to enrollment.

PERMISSION GRANTED TO INTRODUCE A BILL.

Mr. Heacock asked unanimous consent to introduce a bill.
 Consent was granted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Welch, White, Williams, and Wilson—28.
 NOES—None.

INTRODUCTION OF BILL.

By Mr. Heacock: Senate Bill No. 655—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Ordered on file.

PERMISSION GRANTED TO INTRODUCE A BILL.

Mr. Moffitt asked unanimous consent to introduce a bill.
 Consent granted, by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Roth, Sprague, Welch, White, Williams, and Wilson—30.
 NOES—None.

INTRODUCTION OF BILL.

By Mr. Moffitt: Senate Bill No. 656—An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

Ordered on file.

MOTION.

Mr. Goucher moved that the special file be considered at one o'clock and thirty minutes P. M.

So ordered.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been carefully engrossed: Senate Bills Nos. 178, 51, 587, and 601.

HAMILL, Chairman.

SPECIAL ORDER POSTPONED.

Special order, Senate Bill No. 180, was postponed until Monday, at two o'clock and fifteen minutes P. M.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 156—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Also, Assembly Bill No. 112—An Act to add a new section, to be known and numbered as section three thousand seven hundred and ten, to the Political Code, relating to tax levy for State school funds.

Also, Assembly Bill No. 324—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of Jas. W. Marshall.

Also, Assembly Bill No. 109—An Act to divide the State of California into two prison districts, for the purpose of reducing expenses in the transportation of prisoners.

Also, Assembly Bill No. 108—An Act to amend sections two thousand six hundred and fifty-two and two thousand six hundred and seventy-one of the Political Code, relating to the levy, collection, apportionment, and expenditure of road poll taxes.

Also, Assembly Bill No. 13—An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin, approved March 9, 1885.

Also, Assembly Bill No. 15—An Act to amend section two thousand six hundred and fifty-two of the Political Code, relating to road poll tax.

Also, Assembly Bill No. 11—An Act making appropriation for the purchase of an electric plant, pump and pipe, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Also, Senate Concurrent Resolution No. 19—Relative to the boilermakers of San Francisco.

Also, Senate Bill No. 59—An Act entitled "An Act to enable John Hackett, as assignee, to sue the State of California."

Also, Senate Bill No. 17—An Act to amend an Act to establish a Civil Code, approved March 21, 1872, by adding a new section thereto, to be known as section (615) six hundred and fifteen, relative to cemetery corporations.

Also, Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Also, Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Also, Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco.

Also, Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Also, Senate Bill No. 340—An Act entitled "An Act to amend section three hundred and eighty-five of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.

Also, Assembly Bill No. 107—An Act to amend section one thousand and seventy of the Penal Code.

Also, Assembly Bill No. 559—An Act for the protection of the owners of ditches and flumes.

Also, Assembly Bill No. 70—An Act prescribing the powers, duties, and rights of corporations, companies, associations, or persons furnishing water to any city and county, city, or town, or inhabitants thereof, and to regulate water rights.

Also, Assembly Bill No. 598—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions and providing how actions may be dismissed or nonsuit entered.

Also, Assembly Bill No. 217—An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro.

Also, Assembly Bill No. 551—An Act to authorize the several counties of this state to create a bonded indebtedness for certain purposes.

Also, Assembly Bill No. 176—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also, Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Also, Assembly Bill No. 589—An Act to provide proper car-guards on street railroads.

Also, Substitute for Senate Bill No. 265—An Act to add a new section to the Civil Code of the State of California, to be numbered section three hundred and sixty-three, authorizing corporations to own and improve property necessary for the transaction of their business upon the unanimous vote of their Board of Directors.

Also, Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Also, Senate Bill No. 412—An Act to amend an Act entitled "An Act amendatory of and supplementary to an Act approved April 25, 1863, entitled 'An Act to incorporate the City of Sacramento,'" approved March 6, 1872.

Also, Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Also, Senate Bill No. 62—An Act to create a police relief and pension fund in the several counties, cities and counties, cities, and towns of the State.

Also, Assembly Bill No. 162—An Act to repeal sections one thousand one hundred and eighty-six and one thousand one hundred and ninety-one, and to amend section one thousand one hundred and eighty-seven of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendment to Assembly Bill No. 202—An Act to amend section five hundred and thirty of the Political Code, relative to the office of Superintendent of State Printing.

Also, that the Assembly has amended, and adopted as amended, Senate Constitutional Amendment No. 13, and requests your honorable body to concur in the amendment.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to adopt Senate Constitutional Amendment No. 5—Relative to the Supreme Court Justices.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

BILLS REFERRED.

Senate Bill No. 456, to enrollment.

Assembly Bill No. 112, to Committee on Education.

Senate Bill No. 325 withdrawn, and Assembly Bill No. 324 substituted.

Assembly Bill No. 324—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

Read first time.

Assembly Bill No. 109, on the desk.

Assembly Bill No. 108, to Committee on Roads and Highways.

Assembly Bill No. 13, to Committee on Prisons and Prison Buildings.

Assembly Bill No. 15, to Committee on Roads and Highways.

Assembly Bill No. 11, substituted for Senate Bill No. 26.

Assembly Bill No. 11—An Act making appropriation for the purchase of an electric plant, pump and pipe, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Read first time.

Senate Concurrent Resolution No. 19, to enrollment.

Senate Bill No. 59, to enrollment.

Senate Bill No. 17, to enrollment.

Senate Bill No. 136, to enrollment.

Senate Bill No. 137, to enrollment.

Senate Bill No. 207, to enrollment.

Senate Bill No. 5, to enrollment.

Senate Bill No. 340, to enrollment.

Assembly Bill No. 157, to Committee on Judiciary.

Assembly Bill No. 559, to Committee on Irrigation and Water Rights.

Assembly Bill No. 70, to Committee on Irrigation and Water Rights.

Senate Bill No. 586 withdrawn, and Assembly Bill No. 568 substituted.

Assembly Bill No. 568—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

Read first time.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

The roll being called, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. Campbell and Mr. Meany were brought before the bar of the Senate.

Order excused.

Further proceedings dispensed with.

BILLS REFERRED.

Mr. Murphy withdrew Senate Bill No. 85, and Assembly Bill No. 227 was substituted.

Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Read first time.

Mr. Britt withdrew Senate Bill No. 216.

Mr. Murphy withdrew Senate Bill No. 167, and Assembly Bill No. 154 was substituted.

Assembly Bill No. 154—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copy-righting, and distributing certain books of a State series of school textbooks, and appropriating money therefor," approved March 15, 1887.

Read first time.

Assembly Bill No. 552 recalled from committee and ordered on file.

Assembly Bill No. 552—An Act to provide for the appointment of a Board of Commissioners of Penal and Charitable Institutions, and defining their duties and powers, and prescribing their compensation.

Read first time.

Assembly Bill No. 217 referred to Committee on Judiciary.

Assembly Bill No. 176 referred to Committee on Judiciary.

Senate Bill No. 349 withdrawn, and Assembly Bill No. 589 substituted.

Assembly Bill No. 589—An Act to provide proper car-guards on street railroads.

Read first time.

Assembly Bill No. 551—An Act to authorize the several counties of this State to create a bonded indebtedness for certain purposes.

Read first time.

Substitute for Senate Bill No. 265, to enrollment.

Senate Bill No. 217, to enrollment.

Senate Bill No. 612, to enrollment.

Senate Bill No. 18, to enrollment.

Senate Bill No. 62, to enrollment.

Assembly Bill No. 162, referred to Committee on Judiciary.

Senate Constitutional Amendment No. 13, on special file.

RESOLUTION.

By Mr. Goucher:

Resolved, That Senate Bill No. 653 presents a case of urgency, as that term is used in section fifteen, of article four, of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—32.

NOES—None.

SENATE BILL No. 653 PASSED.

Senate Bill No. 653—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Read first and second times, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

ORDERS RESCINDED.

The order referring Assembly Bill No. 70 to the Committee on Irrigation and Water Rights was rescinded, and the bill was referred to Committee on City, City and County, and Town Governments.

The order referring Assembly Bill No. 559 to the Committee on Irrigation and Water Rights was rescinded, and the bill ordered on file.

FIRST READING OF BILL.

Assembly Bill No. 559—An Act for the protection of the owners of ditches and flumes.

Read first time.

RECESS.

At twelve o'clock M., the Senate took a recess till one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

LEAVE OF ABSENCE.

Messrs. Jones, Moffitt, and Dargie granted leave of absence.

MOTION TO RECONSIDER.

Mr. Wilson moved to reconsider the vote by which Senate Bill No. 33 passed the Senate.

Passed on file.

Mr. Heacock moved to reconsider the vote whereby Senate Bill No. 151 was refused passage.

Passed on file.

THIRD READING OF BILLS.

Senate Bill No. 650—An Act for the relief of Peter Connolly, his assigns or legal representatives.

Read third time.

Passed on file.

Senate Bills Nos. 381, 33, 151, 492, and 188 passed on file.

Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving pure California wine labels.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Upon motion of Mr. Hinshaw, the same was transmitted immediately to the Assembly.

Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

Mr. Caminetti moved that the bill be referred to a special committee, consisting of himself, with instructions to amend as follows:

Amend by inserting the word "State" before the word "Normal," in section one, line one.

Also, same amendment in line three, section one.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 601, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CAMINETTI, Select Committee.

Report adopted.

Bill, as amended, ordered reprinted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 54—An Act to appropriate two thousand five hundred dollars to pay the salary of the Deputy Commissioner of Immigration, from August 1, 1883, to October 1, 1885.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Goucher, Greely, Hamill, Jones, McComas, McDonald, Meany, Moffitt, Roth, Spellacy, Welch, Williams, and Wilson—25.

NOES—Messrs. Briceland, Dray, Fraser, Heacock, Hinshaw, McGowan, Mead, Murphy, Preston, and White—10.

Title read and approved.

Messrs. McGowan and White explained that they voted "no" because they considered the bill unconstitutional, upon the authority found in *Forrester vs. Dunn*, Third West Coast Reporter, page six hundred and seventy-six.

Mr. Campbell gave notice that at the next meeting of the Senate he would move to reconsider the vote by which Senate Bill No. 54 passed the Senate.

Senate Bill No. 178—An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Murphy, Pinder, Roth, Spellacy, White, Williams, and Wilson—28.

NOES—Messrs. Fraser and Meany—2.

Title read and approved.

Assembly Bill No. 67—An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn

and acquire any and all land and property necessary or convenient for that purpose.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greeley, Hamill, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—32.

NOES—Mr. Heacock—1.

Title read and approved.

MOTION.

Mr. Murphy moved to take up Assembly messages.
So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Also, Assembly Bill No. 625—An Act to amend section one thousand one hundred and ninety-one of the Political Code, relating to election tickets and ballots.

Also, Senate Bill No. 193—An Act to provide a permanent site for the California Home for Care and Training of Feeble-Minded Children, to erect suitable buildings thereon, and making an appropriation therefor—has amended the same, and respectfully request your honorable body to concur in the amendment.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

BILLS REFERRED.

Senate Bill No. 210 ordered to enrollment.

Assembly Bill No. 625 referred to Special Committee on Elections.

Senate Bill No. 194 amended as follows in Assembly:

Amend the title to read as follows:

"An Act to provide a permanent site for the 'California Home for the Care and Training of Feeble-Minded Children,' to erect suitable buildings thereon, and making an appropriation therefor."

Amend section one to read as follows:

"SECTION 1. The sum of one hundred and seventy thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be expended to purchase a suitable site for the permanent location of the California Home for the Care and Training of Feeble-Minded Children, and to erect proper and substantial buildings for the California Home for the Care and Training of Feeble-Minded Children upon said site."

Amend section two to read as follows:

"SEC. 2. The site purchased shall consist of not less than three hundred acres of land, and the purchase price of said site shall not exceed thirty per cent of the sum of money herein appropriated."

In section one, line ten, strike out all after the word "extent."

In section two, line eight, strike out the words "not of wood."

Amend section three to read as follows:

"SEC. 3. The money herein appropriated shall be paid to the Trustees of the California Home for the Care and Training of Feeble-Minded Children, and shall be expended and used by the said Trustees as hereinbefore specified; *provided, however*, that no purchase of land shall be made without first receiving the approval of the Governor of the State and a majority vote of the entire Board of Trustees. For the purpose of locating the site, the Governor shall appoint two citizens to act with the Board of Trustees, who shall, upon this question, have full power with the Board; *provided*, that the traveling expenses incurred in locating the site shall be paid out of the appropriation herein mentioned."

Amend section four to read as follows:

"SEC. 4. The Controller of State is hereby authorized and directed to draw his warrants in favor of said Trustees, and the Treasurer of the State is directed to pay said warrants according to the provisions of this Act."

Consideration of Assembly amendments to Senate Bill No. 194 was made a special order for Monday next, at two o'clock and thirty minutes P. M.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Meany:

SACRAMENTO, CAL., March 2, 1889.

Senate Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove to Luke Kavanaugh, debtor, in the matter of the Yosemite investigation:

To seven days as stenographer, at \$10.....	\$70 00
To one thousand six hundred and thirty-eight folios, at 20c.....	327 00
Total.....	\$397 00

Approved:

MEANY, Chairman.

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of three hundred and ninety-seven dollars and sixty cents, for reporting and transcribing testimony taken before the Senate Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, and the Controller is hereby directed to draw his warrant in favor of said Luke Kavanaugh for the said sum of three hundred and ninety-seven dollars and sixty cents, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT ON STANDING COMMITTEE—(OUT OF ORDER).

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Senate for the sum of forty dollars, in favor of Jerome B. Brown, for attendance before Senate Committee on Forestry, Yosemite Valley, and Mariposa Big Tree Grove:

Three hundred miles.....	\$30 00
Per diem, five days.....	10 00
Total.....	\$40 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That Senators Williams, Banks, Hamill, and Murphy be and they are hereby allowed the sum of sixteen dollars and eighty cents each, mileage to and from San Francisco, for investigating the Telegraph Hill claims, and the Controller is hereby directed to draw his warrants for each of said persons for the amounts named, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

RESOLUTION.

Resolved, That the Controller is hereby directed to draw his warrant in favor of J. G. Davis, for the sum of twenty-four dollars, being for two walnut library tables, as per bill attached.

SACRAMENTO, March 2, 1889.

State of California bought of J. G. Davis:

Jan. 23—To two walnut library tables, at \$12 each	\$24 00
Ordered by Sergeant-at-Arms of the Senate.	
Correct: G. W. FAYLOR.	

Adopted.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on County and Township Governments, to whom was referred committee Substitute for Assembly Bills No. 22, et al.—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections therein, to be numbered one hundred and ninety-three and one half and one hundred and ninety-three and three fourths, relating to the government of counties.

Have had the same under consideration, and would respectfully report that they have amended the same, and would recommend that the said substitute do pass as amended, and that the same be read a first time and made the special order for Monday next, immediately after the reading of the Journal.

We would further recommend that Senate Bills Nos. 493, 320, 346, 348, 371, 404, 425, 432, 578, 326, 368, 369, 492, and also Assembly Bill No. 35, be stricken from the files, as the subject-matter of said bills is contained in the said substitute and amendments by committee thereto reported.

HINSHAW, Chairman.

LIST OF BILLS ON FILE RECOMMENDED TO BE STRICKEN OFF.

Senate Bill No. 492—An Act to establish a uniform system of fees of office in counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith.

Senate Bill No. 493—An Act to amend section one hundred and seventy-one of "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of officers in counties of the ninth class.

Senate Bill No. 320—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and approved March 17, 1887.

Senate Bill No. 346—An Act to amend section two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to deputies of officials in counties of the ninth class.

Senate Bill No. 348—An Act to regulate the fees of Justices of the Peace in counties of the twenty-third class.

Senate Bill No. 371—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and one half.

Senate Bill No. 404—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending section two hundred and six thereof.

Senate Bill No. 425—An Act to amend section one hundred and sixty-eight of an Act entitled "An Act to establish a uniform system of county

and township governments," approved March 14, 1883, amended March 18, 1885, and as amended March 17, 1887, relating to salaries of officers in counties of the sixth class.

Senate Bill No. 432—An Act to amend section one hundred and seventy-two of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the tenth class.

Senate Bill No. 578—An Act to amend section one hundred and sixty-six of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887.

Assembly Bill No. 36—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered one hundred and ninety-three and a half.

Senate Bill No. 326—An Act to amend section twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 18, 1885, and March 17, 1887, relating to the duties and powers of Boards of Supervisors.

Senate Bill No. 368—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, by amending and revising section one hundred and seventy-three of said amendatory Act of 1885, relating to the compensation of Superintendent of Schools and fees of Recorder.

Senate Bill No. 369—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by revising section seventy and section seventy-one of said Act, relating to the duties of County Treasurer.

MOTION.

Mr. Hinshaw moved that the substitute be read for the first time.
So ordered.

FIRST READING OF BILL.

Committee Substitute—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended

March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections therein, to be numbered one hundred and ninety-three and one half and one hundred and ninety-three and three fourths, relating to the government of counties.

Read first time, and made a special order for second reading immediately after the order of reading of the Journal on Monday next.

RESOLUTION.

By Mr. Williams:

Resolved, That the Secretary of State be and he is hereby authorized and directed to purchase and furnish each member of the Senate one copy of "Desty's State Constitution of California," payable out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

Mr. Williams gave notice that he would move to amend Rule Twenty-four, by adding after the word "spoken" the following: "And no Senator shall speak for a longer period than five minutes at one time."

Referred to Committee on Rules.

SECOND READING OF BILLS.

Senate Bills Nos. 275, 291, 26, 64, and 146 passed on file.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute Senate Bill No. 402—An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.

ED. E. LEAKE, Chief Clerk.

Ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 97—An Act to establish a State Reform School for juvenile offenders.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bill No. 466 withdrawn, and Assembly Bill No. 97 substituted therefor.

Assembly Bill No. 97—An Act to establish a State Reform School for juvenile offenders.

Read first time.

RESOLUTION—(OUT OF ORDER).

By Mr. Goucher:

Resolved, That the special committee appointed to investigate the office of the State Engineer, be allowed a Clerk at a per diem of five dollars, payable out of the Contingent Expense Fund of the Senate; *provided*, that said Clerk shall be retired upon said committee completing its labors.

Adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 619—An Act to add thirty-two sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as

sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, two thousand six hundred and six, all relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Ordered to engrossment and to a third reading.

Mr. Crandall withdrew Senate Bill No. 153 and substituted Senate Bill No. 221 therefor.

Senate Bill No. 221—An Act appropriating the sum of two hundred and twenty-nine thousand dollars for the erection of additional buildings for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

Read first time, and ordered on file for second reading.

Senate Bill No. 248—An Act entitled an Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Mr. Williams moved to amend section one as follows:

Strike out, in line one, the words "two hundred and one thousand" and insert "one hundred and seventeen thousand eight hundred and thirty-seven."

Adopted.

Also, after the word "Treasury," line three, insert the words "not otherwise appropriated."

Adopted.

Also, strike out, in lines two and three, the words "with legal interest thereon from the date of the certificate."

Adopted.

By Mr. Heacock:

Add to end of section three the following: "*provided*, that such warrants shall be received by such holder, assignee, or legal representative, in full of all claim and demand against the State, including interest, for all services performed as a member, officer, or attaché of such Constitutional Convention."

Adopted.

Also, amend section four by striking out the words "and this Act takes effect immediately," and inserting in lieu thereof the words "and shall take effect on the first day of January, 1890."

Adopted.

Mr. Caminetti moved to amend as follows:

Add to section one, line five, the following: "*provided*, that no per diem shall be allowed under the provisions hereof to any member of said Convention which, in addition to that already received, will exceed one hundred days."

Mr. Welch moved the previous question.

Upon the question, "Shall the previous question be now put?" the same was carried.

The question being upon the amendment offered by Mr. Caminetti, the ayes and noes were demanded by Messrs. Caminetti, Dray, and Fraser.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, Flint, Fraser, and Mead—7.

NOES—Messrs. Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—29.

Mr. Goucher moved that Mr. Caminetti be granted unanimous leave to introduce an amendment to the bill.

So ordered.

Mr. Caminetti offered the following amendment:

Provided, that no per diem shall be allowed for any day after the funds for the payment of the per diem of members of said Convention ceased to any member thereof when the record for that day shows that such member was not present.

Mr. McGowan moved a call of the Senate.

So ordered.

Mr. Goucher moved that further proceedings under the call be dispensed with.

So ordered.

Mr. Goucher moved the previous question.

So ordered.

The question recurring upon the amendment of Mr. Caminetti, the same was adopted.

Bill ordered engrossed and to a third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bill No. 638—have had the same under consideration, and report the same back without recommendation.

YELL, Chairman.

ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 630—An Act making an appropriation to pay the claim of Charles Anderson, executor of the estate of George Anderson, deceased, for labor performed in the Yosemite Valley—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MEANY, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 654—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-eight, seven hundred and forty-nine, and seven hundred and fifty, relating to actions to quiet title to real property—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

JONES, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly reengrossed: Senate Bill No. 601.

HAMILL, Chairman.

MOTION.

Mr. Dray moved that Assembly Bill No. 63 be taken up and read first time.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 63—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, and to repeal the Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain waterworks;" also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State."

Read first time, and ordered on file for second reading.

Mr. Dray withdrew Senate Bill No. 100 and substituted Senate Bill No. 101 therefor.

MOTIONS.

Mr. Yell moved to adjourn.

Mr. Goucher moved, as an amendment, that the Senate take a recess until eight o'clock P. M.

Mr. Jones moved to amend by making the hour of recess extend to five o'clock P. M.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. McDonald, Preston, Sprague, and Yell—4.

NOES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—32.

The question being upon taking a recess until eight o'clock P. M., the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Roth, Spellacy, Sprague, Welch, White, and Williams—23.

NOES—Messrs. Byrnes, Crandall, De Long, Dixon, Fraser, Jones, McDonald, Meany, Murphy, Pinder, Preston, Wilson, and Yell—13.

RECESS.

Thereupon, at four o'clock and fifty-five minutes P. M., the Senate took a recess.

REASSEMBLED.

At eight o'clock p. m. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

GENERAL FILE—SECOND READING OF BILLS.

Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 378—An Act to add a new section to the Penal Code, relative to the prohibition and prevention of the use of all acids, or solution of acids, in the manufacture of hermetically sealed tin cans used for canning purposes, to be known as section two hundred and forty-six.

Mr. Meany moved to amend by inserting the words "section one" before the word "there" in the first line of the bill.

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 7—An Act to amend sections six hundred and twenty-five, six hundred and twenty-six, and six hundred and forty-one of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 71 withdrawn, and Senate Bill No. 447 substituted in its place on file.

Senate Bill No. 447—An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the contents of a judgment roll, and providing that the same shall contain a copy of the notice of intention to move for a new trial, and any order made thereon.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 73 withdrawn, and Senate Bill No. 426 substituted in its place on file.

Senate Bill No. 426—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Read second time, ordered engrossed and to a third reading.

PETITION—(OUT OF ORDER).

Mr. Goucher presented the following petition, which was read and ordered printed in the Journal:

REPRESENTATIVE COUNCIL OF THE FEDERATED TRADES
AND LABOR ORGANIZATIONS OF THE PACIFIC COAST,
SAN FRANCISCO, CALIFORNIA, March 1, 1889. }

To the honorable members of the Senate of the State of California:

GENTLEMEN: We, the Federation of Trades and Labor Organizations of the Pacific Coast, not only in behalf of organized and non-organized labor, but also in behalf of all other law-abiding and liberty-loving citizens, most earnestly appeal to your honorable body to recognize as an urgent necessity the passage of Assembly Bill No. 579, as originally introduced in the Assembly relative to the printing of ballots and the method of voting. This bill provides for the printing of ballots at public expense, and for absolute secrecy in voting. We would urge the following considerations in its favor:

1. It relieves the candidate of the expense of printing and distributing ballots, and places it where it should be, on the whole community.
2. It prevents the defeat of the will of the people by the issuance of bogus tickets.
3. It forces the nomination of good candidates for public office.
4. It makes the bribery of voters unprofitable, for it prevents the class of voters who now hang around the polls waiting to be bought from proving that they have "delivered the goods." The result of an election is now often determined by the votes of those who vote only for money, and thus the will of the majority, upon which the framework of our Government rests, is defeated.
5. It prevents the intimidation of voters.
6. It abolishes the system of bosses.

For these reasons we respectfully and earnestly urge the passage of this bill, and for the greater reason, if possible, that it will finally obliterate the present system of primary "elections," so called, as carried on by a criminal element, which now principally nominates our officers in this city.

Very respectfully,

V. HOFFMEYER, President.
M. McGLYNN, Recording Secretary.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 60—An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court for a special Grand Jury.

Read second time, and ordered to a third reading.

Senate Bill No. 96—An Act entitled an Act to amend section seven hundred and fifty-three of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court, and to the Supreme Court Library Fund.

Committee amended as follows:

In line three, section one of the printed bill, insert the words "section seven hundred and fifty-three" before the word "all."

Adopted.

In line two of section one, strike out the words "so as."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 274—An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State.

Read second time, and amended as follows:

In line three of section one of the printed bill, between the words "in" and "the," insert the words "or foul."

Adopted.

In line four, the same section, strike out the word "thereafter," and insert in lieu thereof the words "to be."

Adopted.

In line five strike out the word "of" after the word "mile," and before the word "the" insert the word "above;" after the word "point" strike out the word "of," and insert in lieu thereof the word "where;" after the word "diversion" insert the words "is to be made."

Adopted.

Strike out the whole of section two.

Adopted.

Ordered engrossed and to a third reading.

Senate Bills Nos. 149, 208, and 75 passed on file.

Assembly Bill No. 297—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Read second time, and ordered to a third reading.

Senate Bill No. 288 withdrawn and Senate Bill No. 478 substituted in its place on file.

Senate Bill No. 478—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five gallons.

Passed on file.

Senate Bill No. 418 passed on file.

RESOLUTION—(OUT OF ORDER).

By Mr. Williams:

Resolved, That Mrs. L. A. Walton be allowed extra pay for the period of seven days from and after the date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which she is now receiving, for services to be rendered by her in remaining at the Post Office in the Capitol, and taking care of and forwarding to the Senators all mail delivered after such adjournment, and the Controller is hereby authorized and directed to draw his warrant in favor of said Mrs. L. A. Walton for said seven days, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 419 passed on file.

Assembly Bill No. 416—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

Read second time, and ordered to a third reading.

Senate Bill No. 382 and Senate Bill No. 387 passed on file.

Senate Bill No. 392—An Act to pay the claim of James W. Rankin for services in the office of the State Treasurer of California.

Amendments by committee, as follows:

In section one, lines one and two, in lieu of the words "two hundred and fifty dollars," insert the words "one hundred and fifty dollars."

Adopted.

Add the following:

"SEC. 3. This Act shall be exempt from section six hundred and seventy-two of the Political Code."

Adopted.

Add the following:

"SEC. 4. This Act shall take effect and be in force from and after its passage."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento.

Amend by substituting the word "Justices" for "Justice."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 443 passed on file.

Senate Bill No. 396—An Act to appropriate money to pay the claim of Max Gumpel for services rendered to the State as an expert during the trial of John S. Gray.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 319 passed on file.

Senate Bill No. 336—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

Committee amendment, as follows:

Amend by striking out the words "one half or more of," in section one, line five of printed bill.

Adopted.

By Mr. Caminetti:

Add, in section two, line one, printed bill, after the word "from," the words "and after."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 118 passed on file.

Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 198 withdrawn, and Assembly Bill No. 197 substituted in its place on file.

Assembly Bill No. 197—An Act to authorize the establishment of county high schools, and provide for their support.

Read second time, and ordered to a third reading.

Senate Bill No. 260 passed on file.

Substitute for Senate Bill No. 291—An Act to create a State Board of Water Commissioners, and prescribing its duties and powers, and to reserve certain State lands from sale.

Substitute adopted.

Read second time, and ordered to a third reading.

Senate Bill No. 321—An Act to amend section four hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer.

Committee amendments:

Strike out, in section one, line one, after the word "Code," the word "shall," and insert in lieu thereof the words "is hereby amended to."

Adopted.

Strike out, in section one, line ten, after the word "one," the word "of," and insert in lieu thereof the word "at."

Adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 363 withdrawn, and Assembly Bill No. 498 substituted in lieu thereof.

Assembly Bill No. 498—An Act to amend an Act entitled "An Act for the protection of preëmption and homestead claimants," approved March 23, 1874.

Mr. Jones moved that the bill be passed on file.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Dray, Flint, Fraser, Greely, Jones, McDonald, Preston, White, and Wilson—9.

NOES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Goucher, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Yell—25.

MOTION.

Mr. Jones moved to adjourn.

Lost.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 498 read second time and ordered to a third reading.

Senate Bill No. 219 withdrawn.

Senate Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Committee amendments:

Add to title, after the word "meridian," the following: "and authorize the exchange thereof."

Adopted.

Strike out, in line twenty-three, page one, original bill, all of the section after the word "issue," and insert the following: "The Regents of the University of California are hereby authorized, in their discretion, to exchange the said land, or any portion thereof, for other land adjacent to the lands now belonging to the University of California, on Mount Hamilton, and to make and execute the conveyances necessary therefor."

Adopted.

Read second time, ordered printed and to a third reading.

Senate Bill No. 487 passed on file.

Senate Bill No. 457—An Act to enfranchise the women citizens of the State, and prescribing their qualifications as electors.

Mr. Jones moved to amend, as follows:

After the word "Act," strike out the word "is" and insert the word "are."

Adopted.

Mr. Williams moved to strike out the enacting clause.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Crandall, Dixon, Flint, Greely, McDonald, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—17.

NOES—Messrs. Banks, Caminetti, Campbell, Conklin, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, White, and Yell—16.

Substitute for Senate Bill No. 410—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin, for cemetery purposes.

Substitute adopted.

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 411 and Senate Bill No. 347 passed on file.

Assembly Bill No. 83 passed on file.

MOTION.

Mr. Fraser moved to adjourn.

Lost.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 370 passed on file.

Senate Bill No. 272 withdrawn, and Assembly Bill No. 61 substituted.

Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Read second time, and ordered to a third reading.

NOTICE OF MOTION TO RECONSIDER.

Mr. Preston gave notice that, on Monday, he will move to reconsider the vote by which the enacting clause was stricken from Senate Bill No. 457.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 222—An Act to regulate and control the sale of intoxicating liquors.

Mr. Caminetti offered the following substitute for section two:

SEC. 2. A person or corporation desiring such permit shall make application to the Board of Supervisors, setting forth the place of business, giving the name of the person or persons or corporation desiring to conduct such business, accompanying same with the written indorsement of five reputable citizens of the neighborhood.

Adopted.

Also, amend section three by striking out all after the word "condition," in line nine, page two.

Adopted.

Also, amend section four, line four, by striking out the words "with or without notice."

Roll call was demanded by Messrs. Campbell, Boggs, and Fraser.

The roll was called, and the amendment adopted by the following vote:

AYES - Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Preston, Roth, and Sprague—21.

NOES - Messrs. Campbell, Hamill, Pinder, Spellacy, White, and Wilson—6.

By Mr. Caminetti:

Strike out of section four, line five, all after the word "benefit."

Adopted.

Also, insert in section four, line five, the words "or its," after the word "his."

Adopted.

Also, strike out sections six and seven.

Adopted.

Read second time, ordered engrossed and to a third reading.

MOTION.

Mr. Campbell moved to adjourn.

Lost.

GENERAL FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 445—An Act to provide for the appointment of a matron for prisons and jails of cities and counties, defining their duties, and providing for their compensation.

Mr. Sprague moved to amend by striking out the word "matrons," in section five, line one, and insert the word "matron."

Read second time, ordered engrossed and to a third reading.

Senate Bill No. 494—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Amendments by committee:

Amend section eight by striking out, in line three thereof, the word "or," after the word "practice," and inserting the word "and;" and strike out all of section nine of printed bill.

Adopted.

Add to section nine the following: "*provided*, that any person may spay or castrate any domestic animal."

Adopted.

Also, renumber the sections.

Adopted.

Read second time, ordered engrossed and to a third reading.

COMMUNICATION AND MEMORIAL.

President pro tem. White laid before the Senate the following communication and memorial, which were ordered spread on the Journal:

EXECUTIVE DEPARTMENT, TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY, }
PHOENIX, ARIZONA, February 28, 1889. }

To the President of the Senate and Legislature of the State of California, Sacramento, Cal.:

SIR: Herewith I have the honor to transmit to you a certified copy of a memorial of the Legislative Assembly of Arizona, in regard to the passage of restrictive legislation against the cattle of this Territory.

I have the honor to remain, very respectfully,

JAMES A. BAYARD,
Secretary of Territory.

MEMORIAL.

To the Senate and House of Representatives of the State of California in Legislature assembled.

Your memorialist, the Legislative Assembly of the Territory of Arizona, beg leave to present to your honorable bodies the following:

WHEREAS, It has been represented through the press that bills have been introduced, and have been urged for passage, in one or both of your honorable bodies, with the purpose of restricting the importation of cattle from Arizona into your State, for the alleged

reason that cattle from this Territory are diseased; and whereas, frequent and constant inspection in the past, and at the present time, shows that there has been at no time, nor is there now, any infection or other disease among the cattle of Arizona; and whereas, the commercial relations existing between the State of California and the Territory of Arizona are close and intimate; and whereas, the Territory is a heavy customer of your merchants for her supplies of provisions, clothing, agricultural and mining machinery, and believing that any legislation which would discriminate against our dealers in cattle, and cut them off from your markets, would destroy the amicable business relations at present existing; wherefore your memorialist earnestly protests against such restrictive legislation as unjust and unnecessary.

Resolved, That the Secretary of the Territory be and is hereby instructed to forward copies of this memorial, under seal of the Territory, to the honorable President of the Senate, and to the honorable Speaker of the House of Representatives of the State of California, to be by them laid before their respective bodies.

JOHN Y. T. SMITH,
Speaker of the House of Representatives.
CHAS. R. DRAKE,
President of the Council.

TERRITORY OF ARIZONA, }
OFFICE OF THE SECRETARY. } ss.

I, Jas. A. Bayard, Secretary of the Territory of Arizona, do hereby certify that the above and foregoing is a full, true, and correct copy of the original memorial now on file in this office.

In witness whereof, I have hereunto set my hand, and affixed the great seal of the Territory, this twenty-eighth day of February, A. D. 1889.

[SEAL.]

JAS. A. BAYARD,
Secretary of Territory.

MOTIONS.

Mr. Mead moved to adjourn.

Mr. Hamill moved, as an amendment, to adjourn till ten o'clock on Monday morning.

Roll called, and motion lost by the following vote:

AYES—Messrs. Bowers, Briceland, Caminetti, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Mead, Pinder, Roth, Spellacy, and White—16.

NOES—Messrs. Britt, Campbell, Dixon, Heacock, McComas, McDonald, McGowan, Preston, Sprague, Welch, and Williams—11.

Mr. Sprague moved that when the Senate adjourn it be till ten o'clock on Monday morning.

Roll called, and motion lost by following vote:

AYES—Messrs. Bowers, Briceland, De Long, Dray, Fraser, Greely, Hamill, McGowan, Mead, Preston, Sprague, and White—12.

NOES—Messrs. Britt, Caminetti, Campbell, Dixon, Flint, Goucher, Heacock, Hinshaw, McComas, McDonald, Pinder, Roth, Spellacy, Welch, and Williams—15.

Mr. Williams moved that when the Senate adjourn it be till Monday at twelve o'clock and thirty minutes P. M.

Mr. Hamill moved to amend, by making the hour ten o'clock and thirty minutes A. M.

Lost.

The motion of Mr. Williams was then adopted.

ADJOURNMENT.

Thereupon, at eleven o'clock and fifteen minutes P. M., the Senate adjourned till twelve o'clock and thirty minutes P. M. on Monday.

IN SENATE.

SENATE CHAMBER,
Monday, March 4, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Journal of Friday approved.

RESOLUTION.

By Mr. Heacock:

Resolved, That Senate Bill No. 655 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times on one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—31.

NOES—None.

PASSAGE OF BILL.

Senate Bill No. 655—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February, 1885, and to add five new sections to said Act, and to appropriate money for the uses of the State Board of Horticulture.

Read first and second times, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—31.

NOES—None.

Title read and approved.

MOTION.

Mr. Heacock moved that Senate Bill No. 655 be immediately transmitted to the Assembly.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 176—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also, Assembly Bill No. 167—An Act to amend section one thousand and seventy of the Penal Code.

Also, Assembly Bill No. 328—An Act to amend section one thousand and ninety-seven of the Political Code, relating to the registration of electors.

Also, Assembly Bill No. 549—An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen of the Political Code of the State of California, relating to the definition of terms.

Have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bills Nos. 176, 328, and 549 do pass, and report Assembly Bill No. 167 without recommendation.

Also, Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give surviving directors power to settle the affairs of such corporations.

Also, Senate Bill No. 627—An Act to amend section five hundred and thirty-seven of the Code of Civil Procedure, relative to attachments.

Also, Assembly Bill No. 332—An Act to amend sections one thousand two hundred and ninety-two, one thousand two hundred and ninety-three, one thousand two hundred and ninety-four, and one thousand two hundred and ninety-five of the Political Code of the State of California, relating to election returns for Governor and Lieutenant-Governor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JONES, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 302, 101, 396, 426, 378, 82, 248, 96, 430, 7, 447, 453, 321, and 274.

Also, amendments to Assembly Bill No. 228.

Also, Substitute for Senate Bills Nos. 410 and 291.

HAMILL, Chairman.

Mr. Bowers in the chair.

SPECIAL ORDER.

Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, 71, 85, 86, 96, 106, 172, 189, 190, 236, 294, 320, 354, 355, 359, 386, 390, 415, 441, and 489—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and three, two hundred and six, two hundred and nine, and two hundred and eleven of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert a new section therein,

to be numbered one hundred ninety-three and one half, relating to the government of counties.

President pro tem. S. M. White in the chair.

Committee amendments as follows:

Committee amendment No. 1:

Amend title in line two, printed bill, by inserting after the figures "183" the figures "184."

Adopted.

Add to title the following: "and to repeal section one hundred and ten and one half of said Act."

Adopted.

Committee amendment No. 2:

Amend section one, page two, printed bill, line eight, by inserting after the words "one hundred and eighty-three" the words "one hundred and eighty-four."

Adopted.

Also, in line sixteen, same page, after the figure "5," insert "by Act approved March 18, 1885."

Adopted.

Committee amendment No. 3:

Amend on page three, line seventeen, after the word "county," by inserting the following: "and to grant franchises and licenses, and to collect tolls thereon."

Adopted.

Also, on same page, at end of line twenty-three, add the following: "*provided*, that the Road Overseers, in their respective districts, shall employ all labor required, and direct the conduct of any work of any kind done upon any and all public roads."

Adopted.

Committee amendment No. 4:

Amend in section seventy, page eleven, printed bill, line twenty, by inserting before the word "otherwise" the word "as."

Adopted.

Committee amendment No. 5:

Amend in line four, page fifteen, section one hundred and sixty-four, by striking out the word "thirteen" and inserting "twelve."

Lost.

Also, in line seven strike out the word "three," and insert the word "four."

Adopted.

Also, after the word "annum" add the following: "*provided*, the office of Auditor and County Clerk shall not be consolidated, but when consolidated the salary of the offices so consolidated shall not exceed one thousand six hundred dollars per annum."

Lost.

Also, in line eight, after the word "annum," add "whose office hours shall be from nine o'clock A. M. to four o'clock P. M."

Adopted.

Also, in line fourteen, strike out the word "twenty-four" and insert the words "forty-five; *provided*, that the office of such official in the Court House be kept open the same as other public offices of the county."

Adopted.

SPECIAL ORDER POSTPONED.

Mr. Dargie moved that the special order set for two o'clock and fifteen minutes P. M. be postponed until the special order under consideration be disposed of.

So ordered.

COMMITTEE AMENDMENTS—(RESUMED).

Also, in line eighteen, after the word "thousand," insert the words "five hundred."

Adopted.

Also, strike out all of lines sixteen and seventeen, on page fifteen, and insert in lieu thereof the following:

"13. Justices of the Peace, such fees as are now or hereafter may be allowed by law; *provided*, that no one Justice of the Peace shall be paid more than two hundred dollars in any one month, nor more than two thousand four hundred dollars in any one year.

"14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one Constable shall receive more than one hundred dollars in any one month, or one thousand two hundred dollars in any one year."

Lost.

Committee amendment No. 6:

Amend on page eighteen, printed bill, in line twenty, by striking out the word "them" and inserting the word "him."

Adopted.

Also, in line twenty-seven strike out the word "them" and insert the word "him."

Adopted.

Also, in line thirty strike out the word "them" and insert the word "him."

Adopted.

Mr. Sprague moved to amend subdivision nine, page four, as follows:

Amend by adding after the word "notice," line fifty, page four, printed bill, the following words: "by publication in a newspaper of general circulation published in such county for at least sixty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places."

Adopted.

Mr. White moved to amend, as follows:

In subdivision thirty-six amend last line, page nine, printed bill, by inserting after the word "exceed" the following: "unless otherwise in this Act provided."

Adopted.

Mr. Caminetti moved to strike out subdivision thirty-seven.

Lost.

Mr. White moved to amend, as follows:

Strike out the word "them," in line thirty-eight, page eighteen, and insert "him."

Adopted.

Also, in line forty-three, after the word "and" insert the words "each of."

Adopted.

Also, in line forty-five, strike out "they" and insert "him."

Adopted.

Also, in line forty-seven, strike out "they" and insert "him," and in same line strike out "they" and insert "he."

Adopted.

Also, in line forty-eight, strike out "their" and insert "his."

Adopted.

Also, in line thirty, strike out "they" and insert "he."

Adopted.

By Mr. Heacock:

Amend section one hundred and sixty-seven by striking out subdivision seventeen, page twenty-two, printed bill, and inserting in lieu thereof the following:

"17. The Board of Supervisors shall allow the several officers mentioned in this section such deputy or deputies, assistant or assistants, as may be necessary to properly transact the business of their respective offices in connection with the principal, at such salary as the Board may deem reasonable, not to exceed, except as in this subdivision provided, for each assistant or deputy, the sum of one hundred dollars per month: *provided*, that the Board of Supervisors shall have the power to allow to each county officer other than those who are compensated by fees, one chief deputy, at a salary to be fixed by said Board, not to exceed one hundred and fifty dollars per month: *provided further*, that the Board of Supervisors shall allow the Sheriff an Under Sheriff, at a salary to be fixed by said Board, not to exceed two hundred dollars per month, and shall allow to the County Clerk a Register Clerk, at a salary not to exceed one hundred and fifty dollars per month, and to the District Attorney an assistant, at a salary to be fixed by the Board, and not to exceed one hundred and sixty-six and two thirds dollars per month; *and provided further*, that said Board shall allow to the District Attorney such deputies as may be necessary to properly transact the business of his office, at salaries to be fixed by such Board, but which shall not in the case of any such deputy exceed the sum of one hundred and thirty-three and one third dollars per month. All salaries provided for in this section, whether for principal, assistant, chief deputy, or deputy, shall in each case constitute a county charge. This section and all parts thereof shall, except as to the salaries of county officers, apply to present incumbents, including all deputies and assistants herein provided for, Justices of the Peace, and Constables, and shall go into effect upon the passage of this Act."

Adopted.

Mr. Dargie moved to amend section one hundred and sixty-four, as follows:

On page fifteen, line eight, after the word "Treasurer," strike out "four" and insert "five."

Adopted.

MOTIONS.

Mr. Caminetti moved that Senate Bill No. 336 be reprinted.

So ordered.

Mr. Murphy moved that the consideration of Assembly amendments to Senate Bill No. 194 be made the special order for to-morrow, at two o'clock and thirty minutes P. M.

So ordered.

AMENDMENTS—(RESUMED).

Committee amendment No. 7:

Amend, on page twenty-two of printed bill, section one hundred and sixty-eight, line three, by striking out the words "six thousand seven hundred" and inserting the words "five thousand five hundred."

Adopted.

Also, in line four, same page, strike out the words "seven thousand" and insert the words "six thousand five hundred."

Adopted.

Also, on page twenty-three, same section, in line sixteen, strike out the words "five hundred."

Adopted.

Also, in line seventeen, strike out the words "three thousand" and insert the words "two thousand four hundred."

Adopted.

Also, in line eighteen, strike out the words "two thousand" and insert the words "one thousand five hundred."

Adopted.

Also, in line nineteen, strike out the words "five thousand" and insert the words "four thousand five hundred."

Adopted.

Also, in line twenty-six, strike out the words "four hundred."

Adopted.

Also, amend, on page twenty-four, same section, in line fifty-three, after the word "returning," add "when within his own township."

Adopted.

Also, amend on page twenty-five, line twenty-three, printed bill, by adding after the word "annum" the following: "and their necessary expenses when attending to the business of the county other than the meetings of the Board."

Adopted.

Also, in line twenty-four, same page, strike out the word "ten" and insert the word "fifteen."

Adopted.

Mr. Preston moved to amend by striking out of section one hundred and seventy, line fifteen, the word "the" and inserting the word "his," so as to read, "during his term of office."

Adopted.

Amend printed bill on page twenty-seven, at end of section one hundred and seventy-one, by adding a new subdivision to same, to be numbered "16," and to read as follows:

"16. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States."

FEES OF SHERIFF.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order of delivery of personal property, one dollar.

For serving an attachment on any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars.

For his trouble and expense in taking and keeping possession of, and preserving property under attachment, or execution, or other process, such sum as the Court may order: *provided*, that no more than two dollars per diem shall be allowed to a keeper.

For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents.

For copy of any writ, process, or other paper, when demanded, as required by law, for each folio, fifteen cents.

For serving every notice, rule, or order, fifty cents.

For advertising property for sale or execution, or under any judgment or order of sale, exclusive of cost of publication, each notice, fifty cents.

For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, two dollars.

For holding each inquest, or trial of right of property, to include all services in the matter, except mileage, two dollars.

For serving a subpoena, for each witness summoned, twenty-five cents.

For traveling, to be computed in all cases from the Court House, to serve any summons and complaint or other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property to levy an execution, to post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property; *provided*, that if any two or more papers require to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged to the most distant point to complete such service, for each mile necessarily traveled, in going only, twenty cents.

For commissions for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars, two per cent; on all sums above that amount, one per cent.

For commissions in receiving and paying over money on execution without levy or when lands or goods levied on shall not be sold, on the first one thousand dollars one per cent, and one half of one per cent on all sums over that amount.

The fees herein allowed for the levy of an execution, cost of advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum directed herein to be made.

For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before delivery, two dollars and fifty cents.

For executing a certificate of sale, exclusive of the filing and recording the same, one dollar.

For summoning a trial jury of twelve persons or less, three dollars.

For all services in Justices' Courts, the same fees as are allowed Constables for like services.

For conveying a prisoner, when under arrest, the necessary expenses incurred in transportation. He shall also be allowed to retain for his own use the amount allowed by the State for the conveyance of prisoners to the State prisons and conveyance of persons to the insane asylums. He shall also be allowed for the boarding of prisoners a sum not to exceed twenty-five cents per meal, and not to exceed fifty cents per day.

FEES OF COUNTY CLERK.

At the commencement of each suit the Clerk shall be entitled to demand and receive from the plaintiff, in addition to the Judge's docket fee, as prescribed by law, not to exceed the sum of five dollars, to cover costs to time of judgment; and from the defendant, two dollars, to cover costs for the same time. If, in the progress of the action, the sum allowed the Clerk should be insufficient, he shall be entitled to demand from either party such further sum as he may deem necessary to cover costs to the time of judgment, including the entry thereof. Any excess of fees advanced by either party, on the determination of the action shall be returned by the Clerk to the party who advanced them, on demand.

The Clerk of the Superior Court shall receive, for entering each suit on the Clerk's register of actions, and for making the necessary entries therein during the progress of the suit and of the trial and subsequent proceedings, for the first folio, twenty-five cents; for each subsequent folio, fifteen cents.

For issuing every writ of process, under seal, fifty cents, except the writ of habeas corpus.

For issuing each subpoena for one or more witnesses, twenty-five cents.

For filing each paper, fifteen cents.

For entering every motion and order, rule, default, discontinuance, dismissal, or non-suit, twenty-five cents.

For calling and swearing every jury on *voire dire*, twenty-five cents.

For calling and swearing every juror to try cause, twenty-five cents.

For receiving and entering each verdict of a jury, twenty-five cents.

For entering every final judgment, for the first folio, fifty cents; for each subsequent folio, fifteen cents.

For making up and filing judgment roll, twenty-five cents.

For each entry of judgment on judgment docket, twenty cents.

For entering satisfaction or credit on judgment docket, twenty-five cents.

For administering every oath or affirmation, twenty cents.

For certifying the same, twenty cents.

For copy of any proceeding, record, or paper, per folio, fifteen cents.

- For every certificate under seal, twenty-five cents.
- For issuing every commission to take testimony, fifty cents.
- For writing down testimony of witnesses during trial, for each folio (to be paid by the party requiring the same), fifteen cents.
- For issuing every execution, or other final process, under seal, fifty cents.
- For copy of every decree or order of sale of mortgaged property, for each folio, fifteen cents.
- For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.
- For taking and approving each undertaking or bond, twenty-five cents.
- For taking justification thereto, twenty-five cents.
- For taking testimony on justification to undertaking or bond, for each folio, fifteen cents.
- For taking acknowledgment of deed or other instrument, to include all writing and the seal, for the first name thereto, fifty cents; for each additional name, twenty-five cents.
- For indexing every suit in the general index of the Court, as required by law, for each name, ten cents.
- For filing and entering papers on transfer of cases from other Courts, two dollars.
- For transmission of files or transfer of cases to other Courts, including certificates of order of transfer, one dollar.
- For searching records or files of each year, except for suitors or their attorneys, fifty cents.
- For filing all papers on appeal from Justices' Courts, for each case, one dollar.
- For writing and posting each notice required, twenty-five cents.
- For each notice for publication, in addition to the cost of publication, twenty-five cents.
- For recording papers required by law to be recorded, for each folio, fifteen cents; for indexing same, twenty cents.
- For issuing each marriage license, one half to be paid to the County Recorder, two dollars.
- For recording the testimony and commitment upon examination of insane persons, when it is ascertained by the Judge of the Superior Court that the person committed has sufficient property to pay the expenses of his commitment, per folio, fifteen cents.
- For filing all papers to be kept by him, not required to be recorded, ten cents; for indexing the same, for each name, ten cents.
- For issuing any license required by law, one dollar.
- For all services in estates of deceased persons, fees shall be charged as follows, the value of the estate required to be determined herein to be ascertained from the inventory and appraisal thereof: Estates of the value of fifteen hundred dollars or less, two dollars; estates of over fifteen hundred dollars and not exceeding ten thousand dollars, ten dollars; estates of ten thousand dollars and not exceeding fifty thousand dollars, fifteen dollars; estates of over fifty thousand dollars, fifteen dollars, and ten cents for each paper filed, and fifteen cents per folio for recording each document required by law to be recorded; *provided*, that the County Clerk of such county shall charge and collect for each action or proceeding commenced in the Superior Court of the county a fee of one dollar, in addition to the fees above mentioned, which sum shall be deposited in the treasury of the county as a fund for the purpose of establishing a law library, and shall be expended by and under the direction of the Judge or Judges of the Superior Court of such county, for said purpose. No fees shall be charged by County Clerks for affidavits or certificates for or in behalf of the United States pension applicants.
- For all services in the estates and guardianship of minor heirs, the same fees as are allowed in the estates of deceased persons.

FEES OF RECORDER.

- For recording every instrument, paper, or notice, for each folio, fifteen cents.
- For indexing every instrument, paper, or notice, fifteen cents for each name indexed.
- For copies of any record or paper, per folio, fifteen cents.
- For filing every instrument for record, and making the necessary entries thereon, fifteen cents.
- For each certificate under seal, twenty-five cents.
- For every entry of discharge of mortgage or other instrument on margin of record, or for entering credit thereon, or witnessing same and indexing same, twenty-five cents.
- For searching records or files in his office for each year, when required, fifty cents.
- For abstract of title, for each conveyance or incumbrance certificate, twenty-five cents.
- For recording every plat or map, for each course, five cents.
- For figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed fifty dollars.
- For taking acknowledgments, including seal, for the first signature, fifty cents; for each additional signature, twenty-five cents.
- For recording marriage license and certificate, to be paid by the clerk, one dollar.
- For recording transcript, and for all other services in estray cases, one dollar.
- For recording each mark or brand, fifty cents.
- For administering oath or affirmation, twenty-five cents.
- For certifying same, twenty-five cents.
- For filing, indexing, and keeping each paper not by law required to be recorded, twenty-five cents.

For recording mining claims and water rights, the same as are allowed for recording any other instrument.

For all other services not herein enumerated, the same fees as are allowed the Clerk of the Superior Court for like services.

FEE OF CORONER.

For general services in holding an inquest, ten dollars.

For each witness subpoenaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the Sheriff, the same fees as are allowed the Sheriff for like services.

FEE OF COUNTY SURVEYOR.

For the first mile actually run with compass and chain, in wood or brush, or salt marsh and tide lands, four dollars; for each succeeding mile, two dollars.

For each mile run with the compass alone, one dollar and fifty cents.

For the first mile actually run with compass and chain, in open land, three dollars; for each succeeding mile, one dollar and fifty cents.

For each mile run with compass alone, one dollar.

For each lot laid out and platted in any city or town, one dollar.

For recording a survey, seventy-five cents.

For calculating the quantity of every tract of land, or any subdivision thereof (town lots excepted), ten cents for each course.

For traveling to place of survey, for each mile, in going only, thirty cents; and if he shall be required and duly notified, or otherwise, to make other surveys while in the discharge of his official duty, while in the field, he shall be entitled to mileage only from the place last surveyed by him.

For ascertaining the location of every town lot in an old survey, measuring and marking the same, one dollar.

For copies and certificates, per folio, fifteen cents.

For erecting a monument at the corner of any survey, when required, fifty cents.

For erecting a monument, when running a line at a variation or offset, when required, twenty-five cents.

For copy of plat of any survey and certificate required by any person, or to be transmitted to the Surveyor-General, one dollar, to be paid by the party requiring the survey.

Expenses of assistants shall be an additional charge, to be agreed upon between the parties; or in cases of surveys ordered by the Court or Board of Supervisors, such compensation as shall be by them allowed.

FEE OF THE JUSTICES OF THE PEACE.

For entering every cause upon his docket, fifty cents.

For filing each paper in the suit, twenty-five cents.

For issuing any writ or process by which the suit is commenced, fifty cents.

For issuing subpoena, for each person, twenty-five cents.

For administering an oath or affirmation, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment, or arrest, or for the delivery of property, one dollar.

For taking or approving any bond or undertaking directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents; for issuing an execution, one dollar; for taking depositions, per folio, twenty cents.

For issuing search warrant, fifty cents.

For affidavit for search warrant, including entry on his docket, when there is no other or further action, one dollar.

For entry of cause without process, one dollar.

For entering every motion, rule, order, exception, or default, twenty-five cents.

For entering any final judgment, for the first folio, one dollar; for every additional folio, twenty cents.

For entering judgment by confession, and only on affidavit, as required in the Superior Court, three dollars.

For entering satisfaction of judgment, fifty cents.

For issuing commission to take testimony, fifty cents.

For transcript of a judgment, order, docket, or paper in his office, for each folio, twenty cents.

For making up and transmitting transcript and papers on appeal, one dollar and fifty cents.

For taking acknowledgment of any instrument, for the first name, fifty cents, and for every additional name, twenty-five cents.

For celebrating a marriage and returning certificate thereof to the County Recorder, five dollars.

For all services and proceedings before a Justice of the Peace in criminal action or proceedings, whether on examination or trial, three dollars; but there shall be allowed for all

depositions required by law to be taken (including the transmission to the County Clerk of the papers in the case), for each folio, twenty cents.

For taking bail after commitment in criminal cases, one dollar.

For all services connected with the posting of estrays, including transcript to the Recorder, two dollars.

For all services appertaining to the Coroner's office, the Justice of the Peace, who shall act when the Coroner shall be absent or unable to attend, shall receive the same fees as are allowed to the Coroner for similar services.

When the venue shall be changed, the Justice before whom the action shall have been brought, for all services in making up and transmitting the transcript and papers, shall receive, in addition to such fees as have accrued in the case, the sum of one dollar; all of which fees must be paid before the Justice shall be required to transmit the papers; and the Justice before whom the case is transferred shall be entitled to receive the fees accruing to him for all services which he shall thereafter render, the same as if the case had originally been commenced before him.

In cases of appeal, all fees of the Justice, including those on trial and those on appeal, must be paid before the Justice shall be required to forward the papers to the County Clerk.

FEES OF CONSTABLES.

For serving summons in civil cases, for each defendant, fifty cents.

For summoning any jury before a Justice of the Peace, including mileage, two dollars and mileage.

For making sales of estrays, the same fees as for sales on execution.

For all other services, the same fees as are allowed to Sheriffs for similar services.

For making every arrest in a criminal proceeding, two dollars.

FEES OF INTERPRETERS.

Interpreters and translators shall be allowed such compensation for their services as the Court shall allow, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

FEES OF WITNESSES AND JURORS.

Each person subpoenaed as a juror, or as a witness in behalf of the people, whether before the Superior Court or the Grand Jury, shall be entitled to pay at the rate of three dollars per day for each day's attendance; and for mileage at the rate of twenty-five cents for each mile necessarily traveled, in going only.

For attending to any civil suit or proceedings before any Court of record, Referee, Commissioner, Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. In case of impeachment and contested elections, for traveling to the place of trial, ten cents per mile. No person shall be obliged to testify in a civil action unless his fees shall have been tendered, or he shall not have demanded the same. No fees shall be allowed any witness in a criminal action or proceeding unless he shall attend before a Grand Jury or Court of record, as a witness on behalf of the people, upon a subpoena, or by virtue of a recognizance, and it shall appear that he has come from any place out of the county, or that he is poor, the Court, if the attendance of the witness is upon a trial by an order upon its minutes, or in any other case, the Judge of the Superior Court, by an order subscribed by him, may direct the Treasurer of the county to pay the witness a reasonable sum, to be specified in the order, for his expenses; and no person who resides without any county shall be obliged, in a civil action or proceeding, to attend as a witness in said county, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF PUBLIC ADMINISTRATORS.

The Public Administrators shall hereafter be entitled to receive for their services the same fees as are allowed executors and administrators, by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May 1, 1851.

JUDGES AND CLERKS OF ELECTIONS.

The Judges and Clerks of election shall be allowed such compensation as the Board of Supervisors shall prescribe, not exceeding three dollars per day, each, for the time they are necessarily employed; which shall be full compensation for all services required by law to be performed.

NO AFTER FEES ALLOWED.

The officers above named shall receive no other fees for any services performed by them in any action or proceeding, or for the performance of any service for which fees are allowed; and in case of any violation of the provisions of this subdivision, the party demanding or receiving any fees not herein allowed, shall be liable to refund the same to the party aggrieved, with treble the amount as damages, besides cost of suit, and may be indicted, and if found guilty, shall be fined in a sum not exceeding five hundred dollars and be removed from office.

FEES--WHEN PAID.

The fees herein allowed shall be payable at the time the service is rendered; and any officer, when it is not otherwise expressly provided by law, may refuse to perform any service in any suit or proceeding in which there are any fees due (criminal proceedings excepted) from the person applying, until such fees are paid; *provided*, that if any person shall make an affidavit before the Judge of the Superior Court, setting forth that he has a good cause of action or defense, and that he is unable to pay the fees in advance, the Judge of the Superior Court may, in his discretion, make an order that the officer perform such service without any pay in advance, or may require such person to give security for the costs, and then require such officer to perform such service; and it shall be the duty of such officer to obey the order of the Judge of the Superior Court.

TABLE OF FEES.

Every officer herein specified shall prepare and set up in his office a plain table of his fees, as prescribed in this Act, within two months of the time when the same goes into effect, in some conspicuous place, for the inspection of all persons, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered, with costs, by any person, before any Justice of the Peace of the same county.

COSTS OF PUBLICATION--WHEN PAID.

When, by law, any publication is required to be made by an officer, of any such process, notice, order, or other paper, the costs of the same shall be first tendered by the party, if demanded, for whom such order of publication was granted, before the officer shall be compelled to make such publication.

EXECUTION FOR FEES.

If any Clerk, Sheriff, Justice of the Peace, or Constable shall not have received any fees due to him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party by whom they are due, to be issued from the Court in which the action is pending.

FOLIO DEFINED.

The term "folio," when used as a measure for computing fees, shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper there shall not be a complete folio, and when there shall be an excess over the last folio exceeding one half, shall be computed as a folio.

MILEAGE.

When any Sheriff, Constable, or Coroner serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the more distant service.

RECEIPTS.

Every officer, upon receiving any fees for official duty or service, may be required by the person paying the same to make out in writing and deliver to such person a particular account of such fees, specifying for what they respectively accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same for three times the amount so paid.

OATH OF OFFICE.

No fees shall be charged by an officer for administering and certifying the oath of office or filing or recording official bonds.

TO COMPLETE BUSINESS.

It shall be the duty of all officers in this section named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case an officer at the close of his term shall leave to his successor official labor to be performed, for which he has received compensation, or which it was his duty to perform, he shall be liable to pay his successor the full value of such services, which may be recovered in any Court of competent jurisdiction.

NO OTHER COMPENSATION.

None of the officers mentioned in this Act shall receive any other compensation whatever for any services that now are or may be hereafter required of them in the discharge of their respective offices.

FEE BOOK.

It shall be the duty of every officer in this Act named, authorized to receive any fees for official services of himself or deputies, to keep a fee book, in which he shall enter an exact and full account, in detail, of all fees, commissions, or compensations, of whatever

nature or kind, by him or his deputies earned, collected, or chargeable, with date, the name of the payer, if paid, and the nature of the services in each case. In the first week of January and July, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees earned, collected, or chargeable by him or his deputies for official services during the six calendar months ending on the last day of the previous month. If any person shall hold more than one office, he may keep a separate fee book for each office, and may make separate statements for each, or he may keep a joint fee book, and make joint statements, at his discretion.

PENALTY FOR NEGLECT.

If any officer named in this section shall refuse or willfully neglect to keep a fee book, or to file a sworn statement, or to make returns, as herein required, he shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, and by a sentence or removal from office, if in the office at time of sentence.

Committee amendment No. 8:

Amend on page twenty-seven, by striking out all of line eleven, of section one hundred and seventy-two, and inserting in lieu thereof the following:

"6. The Tax Collector, one thousand dollars per annum, and such fees as are now or may hereafter be allowed by the Board of Supervisors for the collection of licenses."

Adopted.

Also, on page twenty-eight of printed bill, same section, strike out all of subdivision fourteen, and insert in lieu thereof the following:

"14. Constables, a salary to be fixed by the Board of Supervisors, and paid monthly out of the Salary Fund, as the salaries of the county officers are paid, such salary to be in full compensation for all services of any kind, nature, or description required of them by law in criminal cases, and said Constables shall be allowed to charge and receive for their own use such fees as are now or may hereafter be allowed by law for all services performed by them in civil cases."

Adopted.

Committee amendment No. 9:

On page thirty, printed bill, at the end of line sixteen, in section one hundred and seventy-four, add the following: "not exceeding three hundred dollars per annum."

Lost.

Mr. Fraser moved to amend section one hundred and seventy-four, as follows:

Strike out lines fifteen and sixteen of printed bill, and insert in lieu thereof the following: "The Superintendent of Schools, eighteen hundred dollars per annum, and shall be reimbursed his traveling expenses while in the discharge of his official duties, to be audited and allowed periodically by the Board of Supervisors, not exceeding three hundred dollars per annum."

Adopted.

Committee amendment No. 10:

On page thirty-one of printed bill, strike out all of lines fourteen and fifteen, in section one hundred and seventy-seven, and insert in lieu thereof the following:

"11. The Superintendent of Schools, eighteen hundred dollars per annum and his necessary traveling expenses in visiting the various schools within his county; provided, he shall devote his entire time to the duties of said office."

Adopted.

Amend subdivision eight, line fifteen, section one hundred and eighty-one, page thirty-four, by striking out the word "fourteen" and inserting "eighteen."

Adopted.

Amend subdivision fifteen, line thirty, section one hundred and eighty-one, page thirty-four, by striking out the following: "traveling expenses not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge," and

inserting "mileage at the rate of ten cents per mile to and from the respective residences to the county seat; *provided*, that but one mileage at any one meeting of the Board shall be allowed."

Adopted.

And after the word "charge," in line twenty-three, page thirty-four, add: "*provided*, that if the Board of Supervisors shall by ordinance provide that the Superintendent of Schools shall not engage in teaching school during his term of office, and devote his entire time to the duties of his office, then such Superintendent shall receive the sum of one thousand two hundred dollars per annum, and traveling expenses not to exceed three hundred dollars per annum, which expenses are to be allowed and paid as a county charge."

Adopted.

After the word "immediately," in lines forty-three and forty-four, page thirty-five, add the following: "The provisions of this section in relation to increase of salaries of the District Attorney and of the Superintendent of Schools, so far as affected by the provision of subdivision eleven of this section, shall take effect and be in force on and after the first Monday after the first day of January, 1891."

Adopted.

Committee amendment No. 11:

On page thirty-five, printed bill, line five, strike out the word "four" and insert the word "five," and after the word "annum" add the following: "and mileage for the service of any and all process required by law to be served by him at the rate of twenty cents per mile, in going only."

Adopted.

Also, in line nine, same page, strike out the word "two" and insert the word "one."

Adopted.

Also, in line ten, same page, strike out the words "two thousand" and insert the words "eighteen hundred."

Adopted.

Committee amendment No. 12:

On pages thirty-three and thirty-six of the printed bill strike out all of subdivision sixteen and insert in lieu thereof the following:

"16. The fees and compensation of Constables in cases of vagrancy shall in no case exceed forty dollars per month, and the provisions of this subdivision shall take effect from and after the date of approval of this Act."

Adopted.

Committee amendment No. 13:

On page thirty-six, at the end of section one hundred and eighty-three, insert the following:

SEC. 184. In counties of twenty-second class, the officers shall receive as compensation for their services required of them by law or by virtue of their office the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum, and mileage for the service of any and all process required by law to be served by him, at the rate of twenty cents per mile, in going only.
3. The Recorder, fifteen hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, fifteen hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, twenty-five hundred dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, fourteen hundred dollars per annum and his necessary expenses in visiting schools.

12. The Surveyor, such fees as are now or hereafter may be allowed by law,
13. Justices of the Peace shall receive such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Each Supervisor, five dollars per day, while in session, and twenty cents per mile for traveling from his place of residence to the county seat.

Adopted.

Mr. Heacock offered the following amendment:

Amend section one hundred and ninety-seven by adding after the word "monthly," in line eleven, printed bill, the words "*and provided*, the County Superintendent of Schools shall be paid two thousand dollars per annum and traveling expenses, payable monthly."

Adopted.

Mr. Goucher moved to amend, on page forty, by adding subdivision twenty to section one hundred and eighty-eight, as follows:

20. All moneys collected in counties of this class for licenses, within the limits of any incorporated city or town, shall be paid over by the officer collecting the same to the officer authorized to receive the same of the incorporated city or town in which such licenses are collected, to be expended by the authorities thereof in the improvement of the streets of such incorporated city or town wherein such license money was collected.

Adopted.

Mr. Heacock offered the following amendment:

Add, at the end of section one hundred and eighty-nine, the following: "*provided*, that all moneys collected in counties of this class for licenses within the limits of any incorporated city or town shall be paid over by the officer collecting the same to the officer authorized to receive the same of the incorporated city or town in which such licenses are collected, to be expended by the authorities thereof in the improvement of the streets of such incorporated city or town wherein such license money was collected."

Adopted.

Mr. Roth offered the following amendment to section two hundred and one, page fifty-five:

Add after word "office," in line twenty, the following: "*provided*, that the fees for Constables in cases of vagrancy shall in no case become a county charge to exceed one hundred dollars per month to any one Constable."

Adopted.

Mr. Flint moved to amend by inserting after the words "county seat," in line twenty-two, page fifty-five, of printed bill, the following:

SEC. 202. In counties of the fortieth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, sixteen hundred dollars per annum.
2. The Sheriff, three thousand five hundred dollars per annum.
3. The Recorder, nine hundred dollars per annum.
4. The Auditor, five hundred dollars per annum.
5. The Treasurer, one thousand dollars per annum.
6. The Tax Collector, five hundred dollars per annum.
7. The Assessor, two thousand dollars per annum.
8. The District Attorney, sixteen hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Supervisors, five dollars per day for each day while in actual session, and mileage at the rate of ten cents per mile in traveling to and from the county seat.

Adopted.

By Mr. Goucher:

Strike out after the word "law" the word "provided," and all of line twenty, on page fifty-six, section two hundred and six.

Adopted.

CALL OF THE SENATE.

Mr. Williams moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Sprague, Welch, White, Williams, and Yell.

The Sergeant-at-Arms announced Messrs. Spellacy and Pinder before the bar of the Senate.

On motion of Mr. Yell, both were fined one dollar.

The fine being paid, the judgment of the Senate was satisfied.

Mr. Mead moved that further proceedings under the call be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Briceland, Campbell, Crandall, Dray, Fraser, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, and Roth—14.

NOES—Messrs. Banks, Boggs, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Goucher, Greely, Hamill, Jones, Meany, Murphy, Pinder, Preston, Spellacy, Sprague, White, Williams, and Yell—21.

The Sergeant-at-Arms reported Messrs. Wilson and Flint at the bar of the Senate.

Upon motion, they were fined in the sum of one dollar each.

The fines being paid, the judgment of the Senate was satisfied.

Upon motion of Mr. Jones, further proceedings under the call were dispensed with.

AMENDMENTS—(RESUMED).

By Mr. Heacock:

Amend section two hundred and eleven by striking out all after the word "use," in line thirteen, page fifty-eight, down to and including the word "also," in line fifteen of same page.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Campbell, Conklin, Crandall, Heacock, McComas, Preston, and White—7.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—30.

Also, strike out the word "shall," in line thirty-four, page fifty-eight, section two hundred and eleven, and insert the words "may in their discretion."

Adopted.

Also, strike out the word "shall," in line thirty-six, page fifty-eight, section two hundred and eleven, and insert the words "may in their discretion."

Adopted.

Also, strike out the words "per diem and," in line fifty, page fifty-nine, section two hundred and eleven.

The roll was called, and the last amendment lost by the following vote:

AYES—Messrs. Campbell, Conklin, Crandall, Heacock, Hinshaw, and White—6.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Spellacy, Sprague, Welch, Wilson, and Yell—28.

By Mr. Caminetti: Amend as follows:

On page fifty-eight, line fifteen, after the word "asylum," insert the words "or other State institutions."

Adopted.

Also, in line twenty-seven, strike out the word "shall" and insert the word "may."

Adopted.

Also, on page fifty-nine, at the end of line fifty-one, add the words "or other State institutions."

Adopted.

By Mr. White: Amend as follows:

On page fifty-nine, at end of line seven, add the words "or witnesses from without the county."

Adopted.

By Mr. Hinshaw: Amend as follows:

Amend by striking out all of sections two and three of bill, on page sixty.

Adopted.

Committee amendment, as follows:

Amend by striking out of title the words: "and to insert two new sections therein, to be numbered one hundred and ninety-three and one half and one hundred and ninety-three and three fourths."

Adopted.

By Mr. Goucher, as follows:

Amend title by inserting after "1887," in fifth line of title, the following: "and to create a new section, to be numbered section one hundred and eighty-eight and one half, and to create a new class of counties, to be known as counties of the twenty-sixth and one half class."

Adopted.

Also, amend section one hundred and sixty-two, page thirteen, line sixty-one, by striking out the word "three," after the word "thousand," and inserting in lieu thereof the word "four."

Adopted.

Also, amend same section, on same page, by inserting after the word "class," in line sixty-three, the following: "Counties having a population of nine thousand three hundred and under nine thousand four hundred, shall belong to and be known as counties of the twenty-sixth and one half class."

Adopted.

By Mr. Heacock:

Strike out subdivision twenty-three, section twenty-five, and insert:

"The Board of Supervisors shall annually advertise for at least ten days in the official newspaper of the county for sealed bids for furnishing the county and its officers for the ensuing year with stationery. Such advertisements shall specify the amount and kind of stationery to be furnished. All bids shall state separately the price of each article of stationery to be furnished. In considering such bids, the Board may accept or reject all or

any of them, or may accept or reject a part of any such bid; and all such supplies furnished to the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the Board. The Board of Supervisors shall annually fix the price at which the county shall be supplied with job printing and blank books, and also the price of all county advertising, and each county officer shall procure such blank books, job printing, and advertising at a price no greater than is so fixed, and certify the bills therefor to the Board of Supervisors; *provided*, that a square of advertising shall be two hundred and forty ems nonpareil; and *provided*, that no supplies, printing, stationery, or books shall be procured of any person or firm whose paper has not been published, or whose place of business has not been established in the county for six months or more prior to the time of fixing said prices; *provided*, that said supplies and advertisements shall be procured within the county when practicable."

Adopted.

By Mr. Flint:

Amend section one, line twelve, by inserting after the words "two hundred and one" the following: "two hundred and two."

Adopted:

Also, amend by inserting in title of bill, after the figures "201," the figures "202."

Adopted.

By Mr. Meany:

Add, at end of section two hundred and twenty-four, the following: "*provided*, that the per diem allowed to Sheriffs by this section for taking persons and prisoners to and from the insane asylums, and State prisons, and other State institutions, shall be a State charge, and payable out of the State Treasury, upon warrants of the Controller, after having been audited by the State Board of Examiners or Auditors."

Adopted.

Committee amendment No. 14:

Amend line nine, of section one hundred and eighty-eight, page thirty-eight, printed bill, by striking out the words "one thousand two hundred" and inserting the words "two thousand" in lieu thereof.

Adopted.

Committee amendment No. 15:

On page forty of printed bill, line fifty-two, section one hundred and eighty-eight, after the word "thereof," insert the following: "*provided*, that from and after the passage of this Act he shall collect and receive for his own use and benefit the fees received by him for all copies or certified copies of any record or file of his office."

Adopted.

Also, in line fifty, same page, strike out the word "ten" and insert the word "twenty" in lieu thereof.

Adopted.

Committee amendment No. 16:

Amend, on page forty, section one hundred and eighty-nine, by striking out the whole of said section and substituting the following in lieu thereof:

Section 189. In counties of the twenty-seventh class the officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. County Clerk, four thousand dollars per annum.
2. Sheriff, five thousand five hundred dollars per annum.
3. Recorder, two thousand five hundred dollars per annum.
4. Auditor, one thousand eight hundred dollars per annum.
5. Treasurer, one thousand eight hundred dollars per annum.
6. Tax Collector, two thousand dollars per annum.
7. Assessor, four thousand dollars per annum.
8. District Attorney, one thousand five hundred dollars per annum.
9. School Superintendent, one thousand five hundred dollars per annum.

10. The Coroner, such fees as are now or may hereafter be allowed by law.
11. The Public Administrator, such fees as are now or may hereafter be allowed by law.
12. The Superintendent of Schools, fifteen hundred dollars per annum.
13. The Surveyor, such fees as are now or may hereafter be allowed by law.
14. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
15. Constables, such fees as are now or may hereafter be allowed by law.
16. Supervisors, five hundred dollars, and mileage at the rate of ten cents per mile to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the Board shall be allowed.

Adopted.

Strike out, in line forty-one, page forty-two, the word "venire," and insert in place thereof the word "venue."

Adopted.

Strike out subdivision sixteen, page forty-two.

Adopted.

Committee amendment No. 17:

Amend on page forty-five, line eighty-one, by striking out the words "one thousand eight hundred" and inserting the words "two thousand."

Adopted.

Also, in line one hundred, same page, by striking out the words "nine hundred" and inserting the words "one thousand."

Adopted.

By Mr. Goucher:

Amend by adding a new section, to be known as section one hundred and eighty-eight and one half, to read as follows:

Section 188½. In counties of the twenty-sixth and one half class the county and township officers thereof shall receive as compensation for the services required of them by law, or by virtue of their office, the salaries as follows, to wit:

1. The County Clerk, two thousand dollars per annum.
2. The Sheriff, seven thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand five hundred dollars per annum.
5. The Treasurer, two thousand five hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, four thousand dollars per annum.
8. The District Attorney, twenty-five hundred dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, two thousand dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law; *provided*, that no Justice of the Peace shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases or in actions or proceedings in which the people of the State of California are or may be parties; and no claim of any such Justice of the Peace in excess of the sum last named shall be allowed or paid, but all fees collected by such Justice in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which such Justice exercises his jurisdiction. The provisions hereof shall not affect the present incumbents.

14. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no Constable shall receive more than one thousand five hundred dollars per annum for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties, and no claim of any such Constable in excess of the sum last named shall be allowed or paid, but all fees collected by such Constable in criminal cases in excess of one thousand five hundred dollars shall belong to and be the property of the county in which said Constable acts; *and provided further*, that the Board of Supervisors, in all cases where any township is partially or wholly embraced within the corporate limits of any incorporated city of over five thousand inhabitants (and said Board may at any time determine such population), may, whenever they deem it necessary, allow each of the Constables of such township a deputy, or such number of deputies as in the judgment of the said Board of Supervisors may be required to do and perform the business of such office in connection with the principal, and allow

each of said deputies a salary therefor, not to exceed eighty dollars per month to each deputy; *provided further*, that an affidavit shall first be filed by such officer with the said Board, showing that such deputy or deputies are required by him in the proper discharge of his duties as such officer. The provisions hereof shall not affect the present incumbents.

15. Supervisors, six dollars per day, for each day employed, together with twenty-five cents per mile, traveling from their residence to the county seat.

16. The County Clerk shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that said Clerk shall charge and collect the sum of ten cents and no more for the filing of each paper or document filed by him in his office, and shall charge and collect for all transcription, recording, and copying done by him or in his office, for which the County Clerk is now authorized or empowered to collect fees or make charges, ten cents and no more per folio of one hundred words. All fees and charges received or collected by such County Clerk shall belong to and be the property of the county, and paid into the treasury thereof. The County Recorder shall charge and collect the fees and charges which he is now authorized by law to charge and collect, except that he shall charge and collect at the rate of ten cents and no more per folio of one hundred words for all documents, or papers, or other matter recorded by him in his office, and shall charge and collect ten cents and no more for the filing of each document or paper filed by him or in his office. All fees and charges received or collected by such Recorder shall belong to and be the property of the county, and paid into the County Treasury thereof.

17. The County Clerk may, with the consent of the Board of Supervisors, appoint a deputy, who shall receive from the county a salary of one thousand five hundred dollars per annum, which salary shall be paid from and after the date of the approval of this Act.

Adopted.

By Mr. Goucher:

Amend by striking out of section one hundred and eighty-eight, line eleven, the word "twenty-five" and inserting the word "thirty-six."

Adopted.

Also, amend section one hundred and eighty-eight, line four, page thirty-eight, by striking out the word "two" and inserting in lieu thereof the word "three."

Adopted.

Also, in line seven, same section, strike out the words "one thousand five hundred" and insert in lieu thereof the words "two thousand."

Adopted.

Also, add the following:

"19. The District Attorney may appoint a stenographer, who shall receive from the county a salary of fifteen hundred dollars per annum, which salary shall be paid monthly from and after the date of the approval of this Act."

Adopted.

Committee amendment No. 18:

Amend, on page fifty-one, line one hundred and sixty-six, by striking out the word "eighteen" and inserting the word "fifteen."

Adopted.

Also, amend, on page fifty-six, line three, printed bill, by striking out the word "eleven" and inserting the word "twelve."

Adopted.

Also, in line four, strike out the word "two" and insert the word "three."

Adopted.

Also, in line ten, strike out the words "one thousand" and insert the words "one thousand two hundred."

Adopted.

Also, on page fifty-seven, in subdivision sixteen, in line twenty-nine, strike out, after the word "use," all the remainder of said section.

Adopted.

Also, amend line twenty-two, page fifty-eight, by inserting, after the word "fifteenth," the word "nineteenth."

Adopted.

Also, at the end of line twenty-three, same page, insert the word "twenty-eighth."

Adopted.

Also, in line fifteen, page fifty-eight, after the word "asylums," add "or other State institutions."

Adopted.

Also, on page fifty-eight, line twenty-seven, strike out "shall" and insert "may."

Adopted.

Committee amendment No. 19:

Amend, on page fifty-nine, by striking out all of line fifty-two, printed bill.

Adopted.

Also, on page fifty-nine, line fifty-one, after the word "prisons," add "or other State institutions."

Adopted.

Also, on same page, line seven, section two hundred and twenty-five, after the word "witnesses," add "and witnesses from without the county."

Adopted.

Also, add a new section to the bill, to be numbered section two, and to read as follows: "Sec. 2. Section one hundred and ten and one half of said Act, as amended March 17, 1887, is hereby repealed."

Adopted.

REPORT OF STANDING COMMITTEES.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 619, 222, 494, 445, and 336.

HAMILL, Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Also, Senate Bill No. 59—An Act entitled "An Act to enable John Hackett, as assignee, to sue the State of California."

Also, Senate Bill No. 340—An Act entitled "An Act to amend section three hundred and eighty-five of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.

Also, Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Also, Senate Bill No. 62—An Act to create a police relief and pension fund in the several counties, cities and counties, cities, and towns of the State.

Also, Senate Bill No. 17—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and fifteen, relative to cemetery corporations.

Also, Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

Also, Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to trustees for charitable or educational purposes by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Also, Substitute for Senate Bill No. 265—An Act to add a new section to the Civil Code of the State of California, to be numbered section three hundred and sixty-three, authorizing corporations to own and improve property necessary for the transaction of their business upon the unanimous vote of their Board of Directors.

Also, Senate Bill No. 357—An Act to authorize the payment of claims against the State which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Also, Senate Bill No. 124—An Act making an appropriation for a deficiency in the appropriations for the salary of the Secretary to the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Also, Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

And have this day delivered the same to the Governor.

MEAD, Chairman.

RECESS.

At five o'clock and thirty minutes, on motion of Mr. Jones, the Senate took a recess to eight o'clock p. m.

REASSEMBLED.

At eight o'clock p. m. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

MOTION.

Mr. McGowan moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed as amended Senate Bill No. 390—An Act to provide for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof—and respectfully ask your honorable body to concur in said amendment.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

ASSEMBLY AMENDMENT CONCURRED IN.

Assembly amendment to Senate Bill No. 390:

Amend by striking out of section four, line one, the words "seven thousand five hundred" and inserting the words "ten thousand."

Mr. Jones moved that the Senate concur in the amendment.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Welch, Williams, and Wilson—28.
 NOES—Messrs. Caminetti and White—2.

Senate Bill No. 390 ordered to enrollment.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 211, and ordered the same transmitted to the Senate immediately.

Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Clerk.

Senate Bill No. 211 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 644—An Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges for the fortieth fiscal year.

Also, Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bill No. 644 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times on the same day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Crandall, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—29.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 644.

Assembly Bill No. 644—An Act to appropriate money to meet a deficiency in the appropriation for the State's portion of the salaries of the Superior Judges for the fortieth fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Crandall, Dargie, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

MADE SPECIAL ORDER.

Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State.

Made the special order for Wednesday next, at three o'clock and thirty minutes P. M.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution by Mr. Coombs:

Resolved by the Senate and Assembly, That a committee of six be appointed, three from the House and three from the Senate, for the purpose of conference upon the question of legislation, to the end that said committee recommend some plan of cooperation on the part of the Senate and Assembly in passing important legislation.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Mr. Bowers in the chair.

Mr. Jones moved the adoption of the Assembly resolution.

So ordered.

RESOLUTION.

By Mr. Wilson:

Resolved, That Senate Bill No. 656 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—29.
NOES—None.

Senate Bill No. 656—An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—32.
NOES—Mr. Campbell—1.

Title read and approved.

Mr. Wilson moved that Senate Bill No. 656 be immediately transmitted to the Assembly.

So ordered.

President pro tem. S. M. White in the chair.

CONSIDERATION OF COUNTY GOVERNMENT BILL—(RESUMED).

Mr. Hinshaw offered the following amendment:

Amend by inserting the following in engrossed bill, section two hundred and six, subdivision eleven, at end of said subdivision: "and one hundred dollars in addition to traveling expenses."

Adopted.

By Mr. Roth:

Add a new section, to be known as section two hundred and one and one half, and to read as follows:

Section 201½. In counties of the thirty-ninth and one half class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, two thousand four hundred dollars per annum.
2. The Sheriff, five thousand five hundred dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand eight hundred dollars per annum.
5. The Treasurer, one thousand six hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, three thousand two hundred dollars per annum.
8. The District Attorney, two thousand dollars per annum.
9. The Coroner, such fees as are now or may hereafter be allowed by law.
10. The Public Administrator, such fees as are now or may hereafter be allowed by law.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the Peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law, except that the Constable's mileage shall not exceed twenty-five cents for each mile traveled in going only in the discharge of the duties of his office.
15. Supervisors, six dollars per day for each day while in the service of the county, and twenty cents per mile for traveling from residence to the county seat.

Adopted.

Also, insert after the word "office," in line twenty, the following: "*provided*, that in no case shall a Constable receive for services in vagrancy cases, for any one month, an amount in excess of the sum of forty dollars."

Adopted.

Also, amend section one hundred and sixty-two, page fourteen, line ninety-one, by inserting between the words "hundred" and "and" the words "and forty."

Adopted.

Also, after the word "class," line ninety-two, same page and section, insert the following: "Counties having a population of five thousand and under five thousand six hundred and forty shall belong to and be known as counties of the thirty-ninth and one half class."

Adopted.

By Mr. Roth:

Amend title by inserting before the word "relating," in line seven of title, the following: "and to create a new section, to be numbered section two hundred and one and a half, and to create a new class of counties, to be known as class thirty-nine and a half."

Adopted.

By Mr. Preston:

Amend by adding in section one hundred and seventy, at end of line twenty-three, the following: "and that one quarter of the annual salary shall be paid at the close of each quarterly session of the Board."

Adopted.

By Mr. Greely:

Amend subdivision twenty-seven, section twenty-five, by adding the following: "*provided*, no such license shall be levied, assessed, or collected on any person engaged in the business of raising, grazing, herding, or pasturing sheep, cattle, and horses to exceed three cents per capita per annum on sheep, and ten cents per capita per annum on cattle and horses."

By Mr. Caminetti:

Strike out all after the word "annum" where it first occurs.

Mr. Jones moved the previous question.

So ordered.

On the amendment offered by Mr. Caminetti, the roll was called and the amendment lost by the following vote:

AYES—Messrs. Banks, Boggs, Caminetti, Crandall, Dargie, Dray, Greely, Jones, Langford, Wilson, and Yell—11.

NOES—Messrs. Bowers, Briceland, Byrnes, Campbell, Conklin, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—24.

Mr. Dixon was paired with Mr. Moffitt.

Mr. Dixon would have voted "aye."

Mr. Moffitt would have voted "no."

On the amendment offered by Mr. Greely, the roll was called and the amendment lost by the following vote:

AYES—Messrs. Banks, Boggs, Crandall, Dargie, Dray, Flint, Greely, Jones, Langford, Wilson, and Yell—11.

NOES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—24.

Mr. Dixon was paired with Mr. Moffitt.

Mr. Dixon would have voted "aye."

Mr. Moffitt would have voted "no."

Mr. Mead gave notice of a motion to reconsider, whereby the amendment of Mr. Greely was lost.

Mr. Bowers offered the following amendment:

Add after line two hundred and fifty-nine, printed bill, page ten, the following:

"40. To disallow any item in any bill presented for services rendered by Justices of the Peace and Constables not necessary or not in conformity with public duty, and the same shall not thereafter be recovered in any action and shall not constitute any charge against the county."

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Conklin, Crandall, Dargie, Dray, Heacock, Langford, McComas, and White—10.

NOES—Messrs. Boggs, Caminetti, Campbell, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Yell—23.

Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, and others ordered to a third reading.

BILLS WITHDRAWN.

Senate Bills Nos. 348, 371, 425, 578, 326, 368, and 369, and Assembly Bill No. 36 withdrawn.

MOTION OF RECONSIDERATION.

Mr. Jones moved to reconsider the vote by which the enacting clause was stricken out of Senate Bill No. 457.

Mr. Jones moved to postpone action upon motion until the bill was reached in its regular order.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Caminetti, Dargie, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Sprague, White, Wilson, and Yell—18.

NOES—Messrs. Bowers, Briceland, Campbell, Crandall, Dixon, Goucher, Hamill, McDonald, Meany, Murphy, Pinder, Roth, Spellacy, Welch, and Williams—15.

MOTION TO ADJOURN.

Mr. Campbell moved to adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Briceland, Campbell, Conklin, and Crandall—5.
 NOES—Messrs. Banks, Byrnes, Caminetti, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

SPECIAL ORDER.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Mr. Sprague moved the adoption of the substitute.

Mr. Langford moved, as an amendment, that it be made the special order for to-morrow, at three o'clock and thirty minutes P. M.

So ordered.

ADJOURNMENT.

At eleven o'clock and five minutes P. M., on motion of Mr. Jones, the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, March 5, 1889. }

The Senate met pursuant to adjournment.

• President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of Saturday approved.

SECOND READING OF BILLS.

Senate Bill No. 588—An Act to amend an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons, approved April 1, 1878.

Amended, as follows, by Mr. Wilson:

Add at the end of line seven, after word "more" the following: "without the written consent of the Mayor, Chairman of the Board of Supervisors, or City Council of any municipality of the State."

Adopted.

Bill ordered reprinted, engrossed, and to a third reading.

SPECIAL ORDER POSTPONED.

Mr. Goucher moved to postpone the special order, Assembly Bill No. 8, set for this hour, until eleven o'clock A. M.
So ordered.

REPORT OF STANDING COMMITTEE.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1889.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 29—Memorializing Congress to hasten the completion of Oakland Harbor, and to appropriate five hundred thousand dollars therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BRITT, Chairman.

APPOINTMENT OF CONFERENCE COMMITTEE.

In pursuance with the following resolution, the Chair appointed as Senate Committee of Conference Messrs. Britt, Caminetti, and McGowan:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution by Mr. Coombs:

Resolved by the Senate and Assembly, That a committee of six be appointed, three from the House and three from the Senate, for the purpose of conference upon the question of legislation, to the end that said committee recommend some plan of cooperation on the part of the Senate and Assembly in passing important legislation.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as one thousand six hundred and sixty-three, relating to the partial distribution of estates of deceased persons.

Also, Senate Bill No. 612—An Act to amend an Act entitled an Act amendatory of and supplemental to an Act, approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872.

Also, Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben Cohen.

Also, Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Also, Senate Bill No. 297—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

Also, Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same.

Also, Senate Bill No. 48—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, Series 1880.

Also, Senate Bill No. 231—An Act making an appropriation to pay the claim of A. A. Bennett.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 4, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 340—An Act entitled "An Act to amend section three hundred and eighty-five of the Political Code of the State of California," relating to the salary of the Private Secretary of the Governor.

Also, Senate Bill No. 357—An Act to authorize the payment of claims against the State, which were incurred under an Act to promote drainage, approved April 23, 1880, and to appropriate money for their payment.

Also, Senate Bill No. 17—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and fifteen, relative to cemetery corporations.

Also, Senate Bill No. 140—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State.

Also, Senate Bill No. 124—An Act making an appropriation for a deficiency in the appropriation for the salary of the Secretary of the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Also, Senate Bill No. 62—An Act to create a Police Relief, Health and Life Insurance and Pension Fund in the several counties, cities and counties, cities, and towns of the State.

R. W. WATERMAN, Governor.

SUBSTITUTION OF BILL.

Senate Bill No. 118 withdrawn, and Assembly Bill No. 109 substituted therefor.

Assembly Bill No. 109—An Act to divide the State of California into two prison districts, for the purpose of reducing expense in the transportation of prisoners.

Made the special order for Thursday, at four o'clock P. M.

CONSENT TO INTRODUCE A BILL.

Mr. White asked unanimous consent to introduce a bill.

The roll was called, and consent granted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

INTRODUCTION OF BILL.

By Mr. White: Senate Bill No. 657—An Act relating to the indebtedness of cities which, at the last Federal census, had a population of over eleven thousand and less than twelve thousand.

On file.

CONSENT TO INTRODUCE A BILL.

Mr. White asked unanimous consent to introduce a bill.

The roll was called, and consent granted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Wilson—30.

NOES—None.

INTRODUCTION OF BILL.

By Mr. White: Senate Bill No. 658—An Act to provide for the construction and work upon bridges, streets, lanes, alleys, courts, places, sidewalks,

and tunnels, and for the construction of sewers, and for the condemnation of property for school purposes within municipalities which, at the last Federal census, had a population of over eleven thousand and less than twelve thousand.

Bill ordered on file.

SPECIAL FILE.

Senate Constitutional Amendments Nos. 8, 7, 9, 11, and 6 passed on file.

GENERAL FILE—THIRD READING OF BILLS.

Mr. Crandall called up the reconsideration of Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Bowers, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—22.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Dargie, Dray, Hamill, Jones, McDonald, Meany, Murphy, Preston, and Yell—13.

Senate Bill No. 151—An Act to amend sections three thousand seven hundred and forty-six, three thousand seven hundred and fifty-six, three thousand seven hundred and fifty-eight, three thousand seven hundred and sixty-four, three thousand seven hundred and ninety-seven, three thousand seven hundred and ninety-nine, and three thousand eight hundred of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as section three thousand seven hundred and fifty-seven, relative to the collection of property taxes.

Passage refused by the following vote:

AYES—Messrs. Bowers, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Goucher, Heacock, McComas, McGowan, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—19.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Campbell, Dargie, Dray, Fraser, Hamill, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Murphy, Preston, Sprague, and Yell—18.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Flint was announced as being before the bar of the Senate.

Mr. Jones moved that Mr. Flint be fined one dollar.

Lost.

Mr. Welch moved that he be fined two dollars.

Mr. Langford moved that Mr. Flint be excused.

So ordered.

Mr. Wilson moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

RECONSIDERATION OF VOTE.

Mr. Wilson moved to reconsider the vote by which Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same—passed the Senate.

The motion prevailed, by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Meany, Murphy, Preston, Sprague, and Wilson—25.

NOES—Messrs. Britt, Goucher, Jones, McDonald, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—12.

Senate Bill No. 33 passed on file.

COUNTY GOVERNMENT BILL.

Mr. Goucher moved that the order by which committee substitute for County Government Bill was ordered to engrossment and third reading be rescinded.

So ordered.

Mr. Goucher offered the following amendment:

Amend on page two, at the end of section one, line seventeen, by adding the following: "and two new sections are hereby added, to be numbered sections one hundred and eighty-eight and one half and two hundred and one and one half."

Adopted.

Mr. Goucher offered the following substitute to the title:

Substitute for title of Act the following:

"An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and two, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections, to be numbered one hundred and eighty-eight and one half and two hundred and one and one half, and to create two new classes of counties, to be known as counties of the twenty-sixth and one half and of the thirty-ninth and one half class, relating to the government of counties, and to repeal section one hundred and ten and one half of said Act."

Adopted.

SPECIAL ORDERS.

Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

Read second time.

Mr. Boggs moved to amend, as follows:

Amend section two by inserting after the words "to the," in line four, the following: "range line between ranges two and three west, thence north on said range line for three miles, thence due east on section line to the."

Adopted.

Senate Bill No. 8 ordered printed, and to a third reading, and on special file.

RESOLUTION.

By Mr. Heacock:

Resolved, That Senate Bills Nos. 319, 571, 599, and 251, and Assembly Bills Nos. 304, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 290, 104, 174, 473, 191, 193, and 195 each presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be each read the second and third times on this day, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—35.

NOES—None.

Senate Bill No. 319—An Act making an appropriation to pay the claims against the State of California incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Mr. De Long offered a substitute for Senate Bill No. 319, which was adopted, and ordered engrossed and to a third reading.

Mr. Murphy moved that the hour of recess be extended till one o'clock and fifteen minutes P. M.

So ordered.

Assembly Bill No. 304—An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Roth, Sprague, Welch, White, and Williams—30.

NOES—None.

Title read and approved.

Assembly Bill No. 512—An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Sprague, Welch, White, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 513—An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Spellacy, Sprague, Welch, White, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 514—An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Spellacy, Sprague, Welch, White, and Williams—27.

NOES—None.

Title read and approved.

Assembly Bill No. 515—An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Murphy, Spellacy, Sprague, Welch, White, and Williams—27.

NOES—None.

Title read and approved.

Assembly Bill No. 516—An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under section forty-seven of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Flint, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Spellacy, Sprague, Welch, White, and Williams—24.

NOES—None.

Title read and approved.

Assembly Bill No. 517—An Act making an appropriation to pay the deficiency in the appropriation for use of library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Spellacy, Sprague, Welch, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

Assembly Bill No. 518—An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Spellacy, Sprague, Welch, White, Williams, and Wilson—27.
 NOES—None.

Title read and approved.

Assembly Bill No. 519—An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Moffitt, Spellacy, Sprague, Welch, White, Williams, and Wilson—28.
 NOES—None.

Title read and approved.

Assembly Bill No. 520—An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Spellacy, Sprague, White, Williams, and Wilson—28.
 NOES—None.

Title read and approved.

Assembly Bill No. 521—An Act making appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Spellacy, Sprague, White, Williams, and Wilson—25.
 NOES—None.

Title read and approved.

Assembly Bill No. 522—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Spellacy, Sprague, White, Williams, and Wilson—26.
 NOES—None.

Title read and approved.

Assembly Bill No. 523—An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service) for the thirty-eighth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Spellacy, Sprague, White, Williams, and Wilson—28.
 NOES—None.

Title read and approved.

Assembly Bill No. 524—An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Spellacy, Welch, White, Williams, and Wilson—26.

NOES—None.

Title read and approved.

Assembly Bill No. 525—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Greely, Heacock, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, White, Williams, and Wilson—28.

NOES—None.

Title read and approved.

Assembly Bill No. 526—An Act making an appropriation to pay the deficiency in the appropriation for support of the Insane Asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years.

Read second and third times, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Sprague, White, and Williams—26.

NOES—None.

Title read and approved.

Assembly Bill No. 527—An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Jones, Langford, McComas, McGowan, Mead, Moffitt, Roth, Spellacy, Sprague, White, and Williams—25.

NOES—None.

Title read and approved.

Assembly Bill No. 290—An Act making an appropriation for the payment of the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Roth, Spellacy, Sprague, White, and Williams—28.

NOES—None.

Title read and approved.

Assembly Bill No. 104—An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Roth, Spellacy, Sprague, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Assembly Bill No. 474—An Act to provide for the deficiency in the appropriation for repairs of State Capitol building, and furniture, and purchase of carpets for the fortieth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Roth, White, Williams, and Yell—25.

NOES—None.

Title read and approved.

Assembly Bill No. 473—An Act to provide for the deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers for the fortieth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Meany, Moffitt, Roth, White, Williams, Wilson, and Yell—28.

NOES—None.

Title read and approved.

Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Roth, Spellacy, White, Williams, Wilson, and Yell—27.

Title read and approved.

Senate Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Roth, White, Williams, Wilson, and Yell—26.

NOES—None.

Title read and approved.

Assembly Bill No. 194—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Langford, McGowan, Mead, Meany, Roth, White, Williams, and Wilson—22.

NOES—None.

Title read and approved.

Assembly Bill No. 193—An Act to provide for a deficiency in the appropriation for salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dixon, Goucher, Greely, Heacock, Hinshaw, Langford, McDonald, McGowan, Mead, Meany, Murphy, Roth, White, and Williams—23.

NOES—None.

Title read and approved.

Assembly Bill No. 195—An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Langford, McDonald, McGowan, Mead, Meany, Murphy, Roth, Welch, White, Williams, and Wilson—28.

NOES—None.

Title read and approved.

Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, De Long, Dray, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Welch, White, Williams, and Wilson—27.

NOES—None.

Title read and approved.

RECESS.

At twelve o'clock and thirty-five minutes p. m., on motion of Mr. Heacock, the Senate took a recess.

REASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

RESOLUTION.

By Mr. Roth:

Resolved, That Miss Susie Scott shall receive extra pay for the period of seven days from and after the date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which she is now receiving, for services to be rendered by her in remaining at the Post Office in the Capitol, and taking care of and forwarding to the Senators all mail delivered after such adjournment.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES.

ON PUBLIC BUILDINGS OTHER THAN PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: Your Committee on Public Buildings other than Prison Buildings, to whom was referred the following resolution, to wit:

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of John P. Hughes, for the sum of two hundred and ten dollars (\$210), for constructing Post Office and repairing locks and doors; also, in favor of Bancroft-Whitney Co., for the sum of twenty-four dollars (\$24), for Codes furnished Committee on Judiciary; also, in favor of J. G. Davis, for the sum of twenty-four dollars (\$24), for two walnut tables furnished Senate Chamber; also, in favor of E. Lyon & Co., for the sum of two dollars (\$2), for ice blanket furnished Senate Chamber.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted so far as it relates to the items of Bancroft-Whitney Co., J. G. Davis, and E. Lyon & Co.; and as to the claim of John P. Hughes, we respectfully recommend that the same be allowed for the sum of one hundred dollars.

WILLIAMS, Chairman.

Mr. Murphy moved that all of the report which refers to the Post Office be adopted, and that the remainder be referred to Committee on Attachés, Contingent Expenses, and Mileage.

So ordered.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Secretary of State be and he is hereby authorized and directed to purchase and furnish each member of the Senate one copy of "Desty's State Constitution of California," payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, without recommendation.

MURPHY, Chairman.

Mr. Heacock moved that action on the resolution be indefinitely postponed.

So ordered.

Also, report as follows:

SENATE CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That Mrs. L. A. Walton be allowed extra pay for the period of seven days from and after the date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which she is now receiving, for services to be rendered by her in remaining at the Post Office in the Capitol, and taking care of and forwarding to the Senators all mail delivered after said adjournment, and the Controller is hereby authorized and directed to draw his warrant in favor of said Mrs. L. A. Walton for said seven days, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, C man.

MOTIONS.

Mr. Heacock moved that the subject-matter in this resolution be laid over until the committee reported upon the resolution offered by Mr. Roth to-day.

Lost.

Mr. Roth moved that the name of Miss Susie Scott be substituted for the name of Mrs. Walton.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, Mead, Roth, and White—12.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Crandall, Dargie, Dixon, Dray, Flint, Greely, Hamill, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, Williams, and Wilson—23.

Mr. Heacock moved to strike out all reference to pay, and insert in lieu thereof "three dollars per day."

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Briceland, Caminetti, Campbell, Conklin, Crandall, Dargie, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, Moffitt, Pinder, Preston, Roth, and White—20.

NOES—Messrs. Britt, Byrnes, Dixon, Hamill, Jones, McDonald, McGowan, Mead, Murphy, Spellacy, Welch, and Williams—12.

Upon the question of the adoption of the resolution, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, and Williams—28.

NOES—Messrs. Goucher, Hinshaw, Langford, Mead, and White—5.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote by which the resolution was adopted.

MOTION.

Mr. Fraser moved that the majority report of the Committee on Attachés, Contingent Expenses, and Mileage be now taken up.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Jones, McComas, Preston, Roth, Sprague, and White—17.

NOES—Messrs. Boggs, Briceland, Britt, Caminetti, Crandall, Goucher, Greely, Hamill, Hinshaw, Langford, McDonald, McGowan, Mead, Moffitt, Murphy, Spellacy, Welch, Williams, and Wilson—19.

SPECIAL ORDER.

Senate Bill No. 194—An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon.

Senate Bill No. 194 amended, as follows, in Assembly:

Amend the title to read as follows:

"An Act to provide a permanent site for the California Home for the Care and Training of Feeble-Minded Children, to erect suitable buildings thereon, and making an appropriation therefor."

Amend section one to read as follows:

"SECTION 1. The sum of one hundred and seventy thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be expended to purchase a suitable site for the permanent location of the California Home for the Care and Training of Feeble-Minded Children, and to erect proper and substantial buildings for the California Home for the Care and Training of Feeble-Minded Children upon said site."

Amend section two to read as follows:

"SEC. 2. The site purchased shall consist of not less than three hundred acres of land, and the purchase price of said site shall not exceed thirty per cent of the sum of money herein appropriated."

In section one, line ten, strike out all after the word "extent."

In section two, line eight, strike out the words "not of wood."

Amend section three to read as follows:

"SEC. 3. The money herein appropriated shall be paid to the Trustees of the California Home for the Care and Training of Feeble-Minded Children, and shall be expended and

used by the said Trustees as hereinbefore specified; *provided, however*, that no purchase of land shall be made without first receiving the approval of the Governor of the State and a majority vote of the entire Board of Trustees. For the purpose of locating the site, the Governor shall appoint two citizens to act with the Board of Trustees, who shall, upon this question, have full power with the Board; *provided*, that the traveling expenses incurred in locating the site shall be paid out of the appropriation herein mentioned."

Amend section four to read as follows:

"SEC. 4. The Controller of State is hereby authorized and directed to draw his warrants in favor of said Trustees, and the Treasurer of State is directed to pay said warrants according to the provisions of this Act."

Mr. Murphy moved that the Senate concur in the Assembly amendments.

Mr. Bowers moved that the amendments be taken up seriatim.

Mr. Crandall made the point of order that this Senate has no power to consider, or concur in, any amendments to this bill except those made by the Assembly before the bill was first returned to the Senate, and that this Senate cannot consider or concur in any amendments pretended to have been made since March 1, 1889, the time when this bill was first returned to this Senate.

The President decided point not well taken.

Mr. Bowers withdrew his motion.

Mr. Sprague moved that the special order set for three o'clock and thirty minutes P. M. be continued until the matter under consideration be dispensed with.

CALL OF THE SENATE.

Mr. Sprague moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Sprague moved that further proceedings under the call be dispensed with.

So ordered.

AMENDMENTS CONCURRED IN.

Upon the question of the concurrence in the amendments, the roll was called, and the Senate concurred by the following vote:

AYES—MESSRS. Banks, Boggs, Byrnes, Caminetti, Campbell, Dargie, De Long, Fraser, Greely, Jones, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Wilson, and Yell—21.

NOES—MESSRS. Bowers, Briceland, Britt, Conklin, Crandall, Dixon, Dray, Flint, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Meany, Welch, White, and Williams—19.

Mr. Crandall entered a protest against the action of the Senate in concurring in the amendments.

PROTEST.

SENATE CHAMBER, SACRAMENTO, March 4, 1889.

WHEREAS, This Senate did, on the fifteenth day of February, 1889, pass Senate Bill No. 194, and the same was on that day transmitted to the Assembly, and the Assembly did, on the twenty-seventh day of February, amend said bill and pass the same, as amended, and on that day did return the same with amendments to the Senate, but in its message concerning said bill did not ask the Senate to concur in said Assembly amendments; and whereas, said Senate notified said Assembly of its mistake in not asking for a concurrence in its amendments, and said Assembly did thereupon ask to recall said message and bill so as to correct its mistake, and the same were returned for correction, and on

the same day did return said bill and amendments, and ask the Senate's concurrence; and whereas, said Assembly did, after said message and bill were so returned for concurrence, alter and pretend to amend said bill, and, on the second day of March, 1889, pretend to return said bill, so altered and amended, and ask this Senate to concur in said alterations and pretended amendments so last made; now therefore, we earnestly protest against the action of this Senate in concurring, or assuming to concur, in any alteration or pretended amendment to said bill made by said Assembly contrary to law and to the rules of said Assembly, and made after said bill and amendments were first returned to this Senate.

CRANDALL.
CONKLIN.
DIXON.

Senate Bill No. 194 ordered to enrollment.

SPECIAL ORDER.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Mr. Sprague offered a substitute, which was adopted.

Mr. Bowers moved to amend, by inserting after the word "created," in line five, page one, the following words: "to remain in existence for the period of two years only, from the time this Act takes effect."

Adopted.

Mr. Heacock moved to amend, by adding to the end of section one the following: "*provided*, that nothing in this Act contained shall be construed so as to increase the salary of State Mineralogist, either in the capacity of State Engineer or otherwise."

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Campbell, Conklin, Crandall, Dixon, Goucher, Heacock, Hinshaw, McComas, and Williams—9.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Jones, Langford, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yelt—29.

Bill ordered engrossed and to a third reading.

Mr. Meany moved that five hundred copies, in pamphlet form, of the testimony taken in the Yosemite investigation be printed.

CONSENT TO INTRODUCE A BILL.

Mr. Flint asked unanimous consent to introduce a bill.

The roll was called, and the consent granted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, and Yelt—31.

NOES—None.

INTRODUCTION OF BILL.

By Mr. Flint: Senate Bill No. 659—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

On file.

COUNTY GOVERNMENT BILL.

Amendments by Mr. Caminetti:

Amend printed bill on page thirty-five, at the end of section one hundred and eighty-one, by adding a new subdivision to same, to be numbered "16," and to read as follows:

16. The following fees are allowed to the officers hereinafter named for the performance of services required of them by law as herein provided, and such officers may lawfully charge, demand, and receive, and must pay the amounts received into the treasury of the county, except where the officer is by law entitled to receive the fees collected for his own use and benefit. All fees shall be payable only in gold and silver coin of the United States.

FEES OF COUNTY CLERK AND EX OFFICIO CLERK OF THE SUPERIOR COURT.

The County Clerk and ex officio Clerk of the Superior Court shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For services performed by him on the commencement of an action or proceeding, except probate proceedings, including the filing of all papers, excepting the issuance of writs, and approval of bonds, to the rendition of judgment, in the aggregate five dollars. For indexing each name of parties to an action, ten cents. For each writ issued, fifty cents. For approving bond, fifty cents. For entry of judgment by default, two dollars and fifty cents. For the trial of causes, swearing the jury and witnesses, including trial, the entry of judgment, when the judgment does not exceed five folios, two dollars and fifty cents; *provided*, trial is concluded in one day, and for each additional day, two dollars and fifty cents; for recording each folio in excess of ten folios, twenty-five cents. For filing and entering papers on transfer of cases from other Courts, including indexing, as provided by this Act, five dollars. For transmission of files, on transfer of causes to other Courts, two dollars. For administering and certifying oaths, except oaths administered at the trial to jury and witnesses, and to claimants to bills against counties, fifty cents. For issuing commissions to take testimony, fifty cents. For taking and certifying depositions, twenty cents per folio. For taking acknowledgments, one dollar. For taking justification of sureties, twenty-five cents for each surety, and for taking testimony thereon, twenty cents a folio. For searching files of each year, except for suitors or their attorneys, one dollar. For services performed in cases appealed from Justices' Court before trial, two dollars. For filing transcript of judgment of Justice's Court, for docketing cause, and issuing execution thereon, two dollars. For satisfying judgment, when entry is made on margin of judgment book by attorney, or judgment creditor, or upon return of Sheriff, fifty cents. For copies of papers, records, or files of his office, twenty cents per folio, exclusive of charges for certifying. For filing and indexing articles of incorporation, five dollars. For exemplifying copy of articles of incorporation under the Act of Congress, five dollars. For filing certificate of election of officers of incorporation, fifty cents. For recording certificate of incorporation, twenty cents per folio. For filing and indexing certificates of copartnership, fifty cents. For issuing marriage license, two dollars. For filing any bond or other instrument required by law to be filed in his office, fifteen cents, and for recording the same, when required by law, twenty cents per folio. For certificate to dismiss appeal, when prepared by the Clerk, two dollars and fifty cents, and when prepared or furnished by attorney or party, one dollar. For comparing copies of papers or transcripts, five cents per folio. For filing the papers and issuing letters testamentary or of administration, guardianship, or special administration, in any case, two dollars. For services up to and including the final settlement of the case, in which the value of the estate does not exceed one thousand dollars, no fees whatever shall be charged; where the value of the estate does not exceed fifteen hundred dollars, three dollars; where the value of the estate does not exceed three thousand dollars, five dollars, and two dollars and fifty cents, except as hereinafter provided, ten dollars; and one dollar for each additional one thousand dollars in value, as shown by the inventory. For administering and certifying oaths in all estates, except oaths administered in open Court, twenty-five cents. For recording any order or paper in an estate where the number of folios exceed ten, for each folio exceeding ten, twenty cents. The valuations herein to be ascertained from the inventories filed, and the fees herein provided to be collected by the Clerk, upon the filing of such inventory, except such as accrue after the filing of such inventory. For all other services not herein enumerated, the same fees as are now or may hereafter be allowed by law.

FEES OF SHERIFF.

The Sheriff shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant, one dollar. For serving an attachment on property or levying an execution or executing an order of arrest, or order for the delivery of personal property, one dollar and twenty-five cents. For the trouble and expense of taking and keeping possession of, and preserving property under attachment, or execution, or other process, as the Court shall order, provided that no more than three dollars per diem shall be allowed to a keeper, three dollars. For taking bond or undertaking in any case in which he is authorized to take the same, fifty cents. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents. For comparing copies of papers, five cents per folio. For serving every notice, rule, or order, one dollar. For advertising property for sale, on execution or under any judgment or order of sale, exclusive of the cost of publication, each notice, one dollar; *provided*, the attorney or parties to the action shall designate the paper in which the advertisement shall be published, and shall pay to the Sheriff, at said time, the cost of publication as agreed upon by the publisher and the party to the action or his

attorney. For serving a writ of possession or restitution, putting a person in possession of premises, and removing the occupant, three dollars. For holding each inquest or trial of right of property, to include all services in the matter except mileage, three dollars. For serving a subpoena, for each witness subpoenaed, thirty cents. For traveling, to be computed in all cases from the Court House, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, to post notices of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession, or restitution, to hold inquest on trial of right of property, *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, for each mile necessarily traveled in going only to the point of service, twenty-five cents. For commissions for receiving and paying over money on execution or other process, on the first one thousand dollars, one and one-half percent; on all sums above that amount, one per cent. For fees herein allowed for the levy of an execution, costs for advertising, and percentage for making or collecting the money on execution, shall be collected from the judgment debtor by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing a Sheriff's deed, to include the acknowledgment, to be paid by the grantee before the delivery, three dollars. For executing a certificate of sale exclusive of the filing and recording of the same, one dollar. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

FEES OF RECORDER.

The Recorder shall collect and pay into the County Treasury, for the use and benefit of the county, the following prescribed fees, to wit: For recording any instrument, paper, or notice, for each folio, twenty cents. For copies of any record or paper, per folio, twenty cents. For filing or receiving every instrument for record, and making the necessary entries thereon, twenty cents. For marking in the several indexes required, all the entries required of the filing and recording of any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents for each name indexed. For any certificate under seal, fifty cents. For every entry of discharge of mortgage or other instrument on margin of record, fifty cents. For searching records or files for each year, in his office, twenty-five cents. For certificate of abstract of title, when required, for each conveyance or incumbrance certified, fifty cents. For recording any town plat, for each course, ten cents; for figures and letters on plats or maps, per folio, twenty-five cents; *provided*, the fees for recording any town plat shall not exceed one hundred dollars. For taking and writing acknowledgments, including seal, for the first signature, one dollar and fifty cents; for each additional name, fifty cents. For filing, indexing, and keeping each paper, not by law required to be recorded, twenty-five cents. For recording each mark or brand, fifty cents. For administering and certifying an oath or affirmation, fifty cents. For recording marriage license and certificate, fifty cents. For all other services not herein enumerated, the same fees as are now or hereafter may be allowed by law.

Strike out of line forty-nine, page forty-two, the word "of" at end of line and insert the word "or."

Add after the word "office," in amendment adopted March 4, 1889, to be inserted in line twenty-three, page thirty-four, the words "and devote his entire time to the duties of his office."

Adopted.

Mr. Langford moved to amend by striking out of section one hundred and sixty-nine, lines seventeen and eighteen, the words: "and his necessary expenses when visiting the various schools under his supervision within the county."

Adopted.

Mr. Moffitt offered the following amendment to the law relative to counties of the second class:

Strike out all of lines sixteen and seventeen, on page fifteen, and insert in lieu thereof the following:

"13. Justices of the Peace, such fees as are now or hereafter may be allowed by law; *provided*, that no one Justice of the Peace shall be paid more than two hundred dollars in any one month, nor more than two thousand four hundred dollars in any one year. All moneys in excess of this sum shall by said Justices of the Peace be paid into the County Treasury.

"14. Constables, such fees as are now or hereafter may be allowed by law; *provided*, that no one Constable shall receive more than one hundred dollars in any one month, or one thousand two hundred dollars in any one year. All moneys in excess of this sum shall by said Constable be paid into the County Treasury."

Adopted.

Committee Substitute for Assembly Bills Nos. 22, 55, 50, etc., ordered engrossed and to a third reading.

GENERAL FILE—THIRD READING OF BILLS.

Mr. Langford moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Welch, White, Williams, and Wilson.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms reported Messrs. Goucher, Sprague, Pinder, and Boggs at the bar of the Senate.

Upon motion, the Senators were fined one dollar each.

The fines being paid, the judgment of the Senate was satisfied.

The Sergeant-at-Arms reported Mr. Yell at the bar of the Senate.

Upon motion, Mr. Yell was fined one dollar.

The fine being paid, the judgment of the Senate was satisfied.

The Sergeant-at-Arms reported Mr. Murphy at the bar of the Senate.

Upon motion, Mr. Murphy was fined one dollar.

The fine being paid, the judgment of the Senate was satisfied.

Mr. Heacock moved that the fines against Messrs. Goucher and Pinder be remitted.

So ordered.

The Sergeant-at-Arms reported Messrs. Campbell and Spellacy at the bar of the Senate.

Upon motion, Messrs. Campbell and Spellacy were fined one dollar each.

The fines being paid, the judgment of the Senate was satisfied.

Further proceedings under the call were dispensed with.

Senate Bill No. 650—An Act for the relief of Peter Connolly, his assigns, or legal representatives.

Mr. Murphy moved that the bill be recommitted to a committee of one, consisting of Mr. Jones, to amend, as follows:

Strike out the words "one hundred and" in section one, line three, of printed bill.

Lost.

Mr. Murphy moved to recommit, with special instructions to strike out all of lines five and six, of section one, of printed bill, down to the word "paid," in said line six.

Lost.

Senate Bill No. 650 read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, and Williams—29.
 NOES—Messrs. Caminetti, Campbell, Conklin, Heacock, Hinshaw, Langford, McGowan, Preston, White, Wilson, and Yell—11.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Murphy gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 650 passed the Senate.

MOTION.

Mr. Pinder moved to take up Assembly messages.
So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

Also, passed Assembly Bill No. 405—An Act authorizing the sale of certain State lands to the Masons and Odd Fellows of the town of Rocklin, for cemetery purposes.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

AMENDMENT CONCURRED IN.

The Assembly amended Senate Bill No. 574, as follows:

Amend section eight, line five, by inserting after the word "commissions" the words "on assignments heretofore and hereafter made."

Mr. Pinder moved that the Senate concur in the amendment.

The roll was called, and the Senate concurred by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Pinder, Preston, Spellacy, Sprague, Welch, White, Wilson, and Yell—30.

NOES—None.

Senate Bill No. 574 ordered to enrollment.
Assembly Bill No. 405 on the desk.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 656—An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature.

ED. E. LEAKE, Chief Clerk.
By MYRON YAGER, Assistant Clerk.

Ordered to enrolment.

RESOLUTION.

By Mr. Byrnes:

Resolved, That Senate Bill No. 598 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provisions of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Murphy, Preston, Spellacy, Welch, White, Williams, Wilson, and Yell—31.

NOES—None.

PASSAGE OF BILL.

Senate Bill No. 588—An Act to amend “An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons,” approved April 1, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Meany, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Title read and approved.

RECESS.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Williams, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Wilson.

Quorum present.

MOTION.

Mr. Jones moved to take up Assembly messages.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 648—An Act to provide for the appointment of Health Inspectors and Market Inspectors in each municipality of this State having fifty thousand inhabitants and over that number, providing how such Inspectors shall be appointed and designated as officers of such municipality, and prescribing the duties and fixing the compensation of such Inspectors.

Also, adopted Senate Concurrent Resolution No. 1—Relating to the opening for settlement of Klamath River Indian Reservation.

Also, Senate Concurrent Resolution No. 12—Relative to the manner of the payment of the Indian depredation claims.

Also, Assembly Concurrent Resolution No. 11—Authorizing and directing the distribution of five hundred copies of the State Engineer's Report on Irrigation, to those who have contributed information for it, and otherwise facilitated its preparation.

Also, Assembly Constitutional Amendment No. 11—Proposed amendment to article thirteen of the Constitution, relative to assessments.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bill No. 633 withdrawn, and Assembly Bill No. 648 substituted therefor.

Assembly Bill No. 648—An Act to provide for the appointment of Health Inspectors and Market Inspectors in each municipality of this State having fifty thousand inhabitants and over that number, providing how such Inspectors shall be appointed and designated as officers of such municipality, and prescribing the duties and fixing the compensation of such Inspectors.

Read first time, and ordered on file for second reading.

Senate Concurrent Resolution No. 1 ordered to enrollment.

Senate Concurrent Resolution No. 12 ordered to enrollment.

Assembly Concurrent Resolution No. 11 ordered on file.

Assembly Constitutional Amendment No. 11 ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 185—An Act for the relief of Wilson DeLetta, for personal injuries received by him while in the service of the State.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bill No. 516 withdrawn, and Assembly Bill No. 185 substituted in lieu thereof.

Assembly Bill No. 185—An Act for the relief of Wilson DeLetta, for personal injuries received by him while in the service of the State.

Read first time, and ordered on file for second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 46—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Also, Assembly Bill No. 142—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Also, Assembly Bill No. 555—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Also, Assembly Bill No. 612—An Act to provide for the appointment of Boards of Election Commissioners for the several counties of this State, and to regulate the registration of voters.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bill No. 275 withdrawn, and Assembly Bill No. 46 substituted therefor.

Assembly Bill No. 46—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Read first time, and ordered on file for second reading.

Senate Bill No. 146 withdrawn, and Assembly Bill No. 142 substituted therefor.

Assembly Bill No. 142—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Read first time, and ordered on file for second reading.

RESOLUTION.

By Mr. Jones:

Resolved, That Assembly Bill No. 142 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

Adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, Wilson, and Yell—32.

NOES—None.

Mr. Boggs in the chair.

PASSAGE OF ASSEMBLY BILL No. 142.

Assembly Bill No. 142—An Act to amend sections one thousand two hundred and fifty-seven, one thousand two hundred and fifty-eight, and one thousand two hundred and fifty-nine of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof.

Read second and third times, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

SUBSTITUTION OF BILL.

Senate Bill No. 598 withdrawn, and Assembly Bill No. 565 substituted in lieu thereof.

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Read first time, and ordered on file for second reading.

ASSEMBLY BILL No. 612 ORDERED ON FILE.

Assembly Bill No. 612—An Act to provide for the appointment of Boards of Election Commissioners for the several counties of this State, and to regulate the registration of voters.

Ordered on file.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 501—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885.

ED. E. LEAKE, Chief Clerk.

SUBSTITUTION OF BILL.

Senate Bill No. 511 withdrawn, and Assembly Bill No. 501 substituted therefor.

Assembly Bill No. 501—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to insane asylums," approved March 14, 1885, providing for compensations to Sheriffs for services rendered since the fourteenth day of March, 1885.

Read first time, and ordered on file for second reading.

FIRST READING OF BILL.

Assembly Bill No. 405—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes.

Read first time.

President pro tem. S. M. White in the chair.

RESOLUTION.

By Mr. Fraser:

Resolved, That Assembly Bill No. 405 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first and second times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

Assembly Bill No. 405 read second time and amended as follows:

In section one amend by striking out all after the word "acres," in line fourteen, printed bill, and inserting the following: "the same now being owned and in possession of the State of California; *provided, however*, that the land hereby authorized to be sold shall be used for cemetery purposes, and shall be deeded to the societies heretofore named in trust for a burying ground forever."

Adopted.

Senate Bill No. 410 withdrawn, and Assembly Bill No. 405 substituted therefor.

Assembly Bill No. 405 ordered printed and to a third reading.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 495—An Act appropriating the sum of two hundred and five thousand dollars for the erection of additional buildings at Agnews for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bill No. 221 withdrawn, and Assembly Bill No. 496 substituted therefor.

Assembly Bill No. 496—An Act appropriating the sum of two hundred and five thousand dollars for the erection of additional buildings at Agnews for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

MADE SPECIAL ORDER.

Mr. Crandall moved that Assembly Bill No. 496 be made the special order for to-morrow, at two o'clock and thirty minutes P. M.

Mr. Goucher moved, as an amendment, that Senate Bill No. 317 be included in the motion.

So ordered.

Mr. Crandall's motion also prevailed.

RESOLUTION.

By Mr. Dargie :

Resolved, That Senate Bill No. 636 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Flint, Fraser, Goucher, Hamill, Heacock, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—30.

NOES—Messrs. McDonald and White—2.

MOTIONS.

Mr. Goucher moved that the office of messenger to the State Printer be declared vacant.

Mr. Heacock moved, as an amendment, that the action date from Saturday.

Upon motion of Mr. Goucher, the same was postponed until to-morrow, at eleven o'clock A. M.

FIRST AND SECOND READING OF BILL.

Senate Bill No. 636—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine.

Read first and second times, and ordered to third reading.

THIRD READING OF BILLS.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

The following amendments to Senate Bill No. 33 were ordered printed in the Journal:

Recommit, with special instructions to strike out of section two, page two, line three, of printed bill, as amended, after the word "city," the words "city and county:" and strike out of line five, section two, the words "if in a city, city and county, by the Mayor," and substitute therefor the words "and all vacancies now existing and those hereafter occurring in any appointive office, Board, or Commission, of any city and county, shall be

filled by the Mayor, subject to the confirmation of the Board of Supervisors;" also, to insert in line seven, section two, page three, after the word "elected," the words "or appointed;" also, to add to section two, after the word "years," the words "and the term of any officer so appointed shall not exceed four years."

By Mr. Wilson:

Amend section two by adding after the word "Constitution," in line six, the words "or by law."

Also, amend section two by adding after the word "law," in line eight, the words: "*provided*, nothing in this Act shall be construed to affect any office, Board, or Commission, the succession of which is not now provided by law, or which has been created by any Act of the twenty-eighth session of the Legislature of the State of California."

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Mr. Wilson moved to commit.

CALL OF THE SENATE.

Mr. Williams moved a call of the Senate.

So ordered.

The roll was called and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Pinder was announced as being before the bar of the Senate.

Excused.

Mr. Moffitt moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

PASSED ON FILE.

Mr. Moffitt moved that Senate Bill No. 188 be passed temporarily.

So ordered.

MOTION.

Mr. Moffitt moved that Assembly Bill No. 549 (No. 361 on file) be taken up and read first time.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 549—An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen, of the Political Code of the State of California, relating to the definition of terms.

Read first time.

Mr. Moffitt moved that Assembly Bill No. 549 be placed on the special file.

Mr. Goucher moved to amend the motion, as follows:

Provided, that every bill and resolution now on the special file, and all bills and resolutions for which provision has heretofore been made to be placed on the special file *in futuro*, shall take precedence of this bill on said special file.

Mr. Goucher moved a call of the Senate.

Lost.

Mr. Heacock moved, as an amendment, that Assembly Bill No. 549 be placed on the special file immediately following the Glenn County Bill.

Messrs. Goucher and Moffitt accepted the amendment, and the same was adopted.

Senate Bill No. 104 withdrawn, and Assembly Bill No. 568 substituted therefor.

AMENDMENT TO SENATE BILL No. 188.

The question recurring upon the amendment to Senate Bill No. 188 offered by Mr. Wilson:

Amend section one by adding the following words, viz.: "*provided*, that the Governor of the State is hereby authorized to appoint three members to constitute said Board of Auditors immediately after the passage of this Act, who shall hold their offices until the Board of Auditors, who shall be elected at the next general election under the provisions of this Act, shall be elected and qualify."

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Banks, Bowers, Caminetti, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, Jones, Langford, McComas, McDonald, Meany, Moffitt, Sprague, and Wilson—20.

NOES—Messrs. Briceland, Britt, Dixon, Goucher, Hamill, Hinshaw, McGowan, Mead, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—16.

Mr. Heacock offered the following amendment:

At the end of line eight, page two, insert the words "receiving State aid;" and in line eleven, page two, after the word "institutions," insert the words "receiving State aid;" and strike out the words "and charitable institutions receiving State aid," in lines fifteen and sixteen, page two.

Adopted.

Also, the following amendment, by Mr. Wilson:

Amend section six by adding the words, as follows: "The members of the Board are entitled to their actual traveling expenses, and for contingent clerical assistance while traveling, incurred by them in the discharge of their duties, and the sum of five thousand dollars for each fiscal year is hereby continuously appropriated out of the General Fund of the State Treasury to pay the same."

Mr. Caminetti offered the following amendment, which was accepted by Mr. Wilson:

Amend section six, by adding the following words: "The members of the Board are entitled to their actual traveling expenses incurred by them in the discharge of their duties."

Adopted.

By Mr. Wilson:

SEC. 10. This Act shall take effect immediately.

Adopted.

Bill ordered engrossed and to a third reading.

Mr. Dargie moved that the order made relative to Senate Bill No. 636 be rescinded.

So ordered.

By Mr. Dargie:

Amend title by adding to third line of the same, and after the figures "539," the words "relating to the purchase of home manufactured type and printing material."

Adopted.

Also, after the enacting clause, insert a new paragraph, to read as follows:

"SECTION 1. A new section shall be added to the Political Code, to be numbered five hundred and thirty-nine, to read as follows."

Adopted.

Also, amend line nine of printed bill by inserting, after the word "and," the following words: "as low in;" and, after the word "price," strike out the word "to" and insert the word "as," so the whole of line nine will read: "and as low in price as that of eastern manufacturers of similar goods."

Adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—20.

NOES—Messrs. Campbell and Meany—2.

Title read and approved.

Senate Bill No. 291—An Act to create a State Board of Water Commissioners, and prescribing its duties and powers, and to reserve certain State lands from sale.

Read third time, and refused passage by the following vote:

AYES—Messrs. Briceland, Britt, De Long, Dixon, Dray, Fraser, Goucher, Jones, McGowan, Mead, Roth, Spellacy, Sprague, Williams, and Yell—15.

NOES—Messrs. Banks, Bowers, Caminetti, Campbell, Conklin, Crandall, Flint, Hamill, Heacock, Hinshaw, Langford, McComas, Meany, Murphy, Pinder, Preston, White, and Wilson—18.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that he would, upon to-morrow, move to reconsider the vote by which Senate Bill No. 291 was refused passage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 619—An Act to add thirty-two sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven,

two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Senate Bill No. 248—An Act entitled an Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Spellacy, Sprague, Williams, Wilson, and Yell—26.

NOES—Messrs. Briceland, Caminetti, Campbell, Hinshaw, Langford, Mead, Meany, Pinder, Roth, Welch, and White—11.

Title read and approved.

Senate Bill No. 457 withdrawn, and Senate Bill No. 422 substituted therefor.

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Read third time.

Mr. Caminetti moved that the bill be committed to a committee of one, consisting of Mr. Heacock, with instructions to amend.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out, as follows:

Strike out the word "such," in line five, section two, and insert the word "the;" and strike out the word "members," in line six, section two, and insert after the word "amounts," in line six, section two, the words "due the officers and attachés."

HEACOCK, Select Committee.

Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Britt, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

MOTIONS.

Mr. Hamill moved that Senate Bill No. 628 be made the special order for to-morrow, at four o'clock P. M.

Mr. Jones moved that the Senate do now adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Caminetti, Dargie, Hinshaw, Jones, Meany, Pinder, Preston, Roth, and Wilson—10.

NOES—Messrs. Boggs, Bowers, Campbell, Crandall, De Long, Flint, Fraser, Greely, Hamill, Heacock, McComas, McGowan, Moffitt, Murphy, Spellacy, Sprague, Welch, White, and Williams—19.

Mr. Hamill renewed his motion in regard to Senate Bill No. 628.

Mr. Campbell moved to amend by adding Assembly Bill No. 56.

Ruled out of order.

Mr. Caminetti moved, as a substitute, that the second reading file be made the special order for four o'clock P. M. to-morrow.

Lost.

The question recurring upon Mr. Hamill's motion, the same was adopted.

Mr. McComas moved that Assembly Bill No. 61 be made the special order for to-morrow morning, after the order "Reading of the Journal."

So ordered.

Mr. Roth moved to take up Assembly Bill No. 452 and read second time.

So ordered.

SECOND READING OF BILL.

Assembly Bill No. 452—An Act to authorize County Surveyors to survey the unsurveyed lands of the State of California.

Read second time.

Mr. Roth offered the following substitute for section six:

SEC. 6. This Act shall apply to all swamp and overflowed, salt marsh, and tide lands not excluded from sale by section three thousand four hundred and eighty-eight of the Political Code.

Adopted.

Bill, as amended, ordered printed, to a third reading, and on the special file.

MOTION.

Mr. Wilson moved to take up Assembly Bill No. 90.

So ordered.

SECOND READING OF BILL.

Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

Read second time, ordered on special file for third reading.

MOTIONS.

Mr. McGowan moved to take up Assembly Bill No. 590 and place the same on special file.

Mr. Caminetti moved that each Senator who has not called up a bill out of order be permitted to do so now.

Mr. Heacock moved, as an amendment, that such bills, when read second time, shall be placed on special file.

Adopted.

Mr. Caminetti's motion was carried.

Mr. Bowers called up Senate Bill No. 484—An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.

Bill ordered printed, engrossed, and to a third reading on special file.

Mr. Britt called up Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Mr. Britt moved to amend by inserting the word "to" between the words "public" and "carry," in section one, line three of printed bill.

Adopted.

Mr. Jones moved to amend by striking out the words "including telegraphic messages," in line four of printed bill.

Lost.

Mr. Jones offered the following amendment:

Add to section one the following: "*provided*, that carriers of messages by telegraph shall be required to exercise ordinary care and diligence in the transmission, carriage, reception, and delivery of messages."

Lost.

Bill ordered to a third reading, and on special file.

Mr. Caminetti called up Senate Bill No. 169—An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school.

Bill read second time, and ordered on special file.

Mr. Campbell called up Assembly Bill No. 56—An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school text-books.

Bill read second time, and ordered on special file.

Mr. Crandall called up Senate Bill No. 616—An Act entitled "An Act to amend sections one and fifteen of an Act to provide an additional insane asylum for the insane of the State of California," approved March 9, 1885.

Bill read second time, and ordered on special file.

Mr. De Long called up Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections.

Mr. De Long offered a substitute, which was adopted, read second time, and ordered on special file for third reading.

Mr. Dray called up Assembly Bill No. 11—An Act making appropriation for the purchase of an electric plant, pump and pipes, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Bill read second time, and ordered on special file for third reading.

Mr. Flint called up Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and placed on special file for third reading.

Mr. Fraser called up Assembly Bill No. 324—An Act to appropriate money for the improvement of the grounds and the erection of an iron

fence around the monument erected by the State to the memory of James W. Marshall.

Bill read second time, and ordered on special third-reading file.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Yell, the Senate adjourned to meet at twelve o'clock and fifteen minutes A. M., Wednesday, March sixth.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 6, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Britt, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McGowan, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

By unanimous consent, the Senate continued under the order of business indicated by the motion of Mr. Caminetti, as amended by Mr. Heacock, and adopted yesterday.

Mr. Greely called up Senate Bill No. 615—An Act to provide for the maintenance and support of public parks heretofore created within the various cities and counties of the State, and to amend the existing Acts in relation thereto.

Bill read first time, and ordered on special file for second reading.

Mr. Hamill called up Senate Bill No. 651—An Act for the relief of Patrick Creighton.

Bill read second time, ordered engrossed and on special third-reading file.

Mr. Heacock called up Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

Amended, as follows:

In line four, section one, after the word "vacant," insert the words "by resignation or otherwise."

Adopted.

Add an additional section, to be numbered section two, to read as follows:
SEC. 2. This Act shall take effect immediately.

Adopted.

Bill ordered reprinted, and on special file.

Mr. Hinshaw called up Assembly Bill No. 176—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incor-

poration, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and ordered on special file.

Mr. Jones called up Senate Bill No. 638—An Act to amend section three of an Act entitled "An Act to prevent the circulation of bogus election tickets and to prevent frauds upon voters."

Bill read first time, and ordered on special file for second reading.

Mr. McGowan called up Assembly Bill No. 590—An Act to grant to the United States certain tide lands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay.

Bill read second time, and ordered on special third-reading file.

Mr. Murphy called up Senate Bill No. 617—An Act appropriating the sum of fifteen thousand dollars for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

Bill read first time, and ordered on special file for second reading.

Mr. Pinder called up Assembly Bill No. 568—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

Bill read second time, and ordered on special file for third reading.

Assembly Bill No. 501—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons, and insane persons to the insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885.

Bill read second time, and ordered on special file for third reading.

Mr. Preston called up Assembly Bill No. 464—An Act making an appropriation for the management and protection of the State Mineral Cabinet, under direction of the Trustees thereof.

Bill read second time, and ordered on special file for third reading.

Mr. Spellacy called up Senate Bill No. 322—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, and two thousand four hundred and sixty-six of the Political Code, relating to pilots and pilot regulations.

Bill read second time, and ordered on special file for third reading.

Mr. Sprague called up Senate Bill No. 293—An Act to amend section three hundred and three of the Civil Code, relating to the by-laws of corporations.

Bill read second time.

Amend the title of the Act: After the words "Civil Code," insert "of the State of California."

Adopted.

Also, in section one, line one, after the words "Civil Code," insert "State of California."

Adopted.

Bill ordered engrossed and to third reading on special file.

Mr. Welch called up Senate Bill No. 256—An Act to amend section two thousand four hundred and sixty-seven of the Political Code, relating to charges for towage.

Bill read second time, and ordered on special file.

Mr. Williams called up Senate Bill No. 317—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by

amending section two thousand two hundred and nine thereof, in relation to damages awarded when telegraphic messages are refused or postponed.
Bill read first time, and ordered on special file for second reading.

Mr. Williams withdrew Senate Bill No. 81, and substituted Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies.

Bill read first time, and ordered on special file for second reading.

Mr. Wilson called up Senate Bill No. 367—An Act entitled "An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, relative to the price to be paid by purchasers of the school lands of the State."

Bill read first time, and ordered on special file for second reading.

Mr. Yell called up Senate Bill No. 647—An Act to amend section two hundred and thirteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of the crime of robbery.

Bill read second time, ordered engrossed and on special third-reading file.

Mr. White called up Assembly Bill No. 97—An Act to establish a State reform school for juvenile offenders.

Bill read second time, and amended, as follows:

In line four strike out the words "four and six," and insert in lieu thereof, in the same order, the words "three and four."

Adopted.

In line eight strike out the word "six" and insert in lieu thereof the word "four."

Adopted.

Amend title by adding at end of present title the words "and to make an appropriation therefor."

Adopted.

Ordered engrossed and to special third-reading file.

Mr. Dargie called up Senate Bill No. 443—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read second time.

Mr. Dargie moved to amend, as follows:

Strike out of section one, line eight, the words "one dollar and twenty-five cents," and insert the following: "two dollars and fifty cents."

Adopted.

Also, amend section one, line ten, printed bill, by adding, after the words "to wit," the following: "the north half of;" and by adding to the end of section one the following: "provided, that nothing in this Act shall be construed to affect the right to use and maintain the railroad track now situated and existing upon the land in the Act described, by the owner or owners of said railroad."

Adopted.

Bill ordered reprinted, and on special third-reading file.

Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of the County of Los Angeles, State of California, and for the appointment of such additional Judges.

Bill read third time, and passed temporarily.

Mr. Pinder called up Senate Bill No. 450—An Act to amend section three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Bill read second time, and ordered on special third-reading file.

Mr. De Long called up Senate Bill No. 261—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

Bill read second time, and ordered on special file.

RECESS.

At one o'clock and twenty minutes A. M., on motion of Mr. Jones, the Senate took a recess until eleven o'clock A. M.

REASSEMBLED.

At eleven o'clock A. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goncher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

RESOLUTION.

Mr. Bowers offered Senate Joint Resolution No. 5—Relative to the charter for the City of San Diego.

SENATE JOINT RESOLUTION No. 5.

Approving the charter of the City of San Diego, in San Diego County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the second day of March, 1889.

WHEREAS, The City of San Diego, in San Diego County, is now, and at all times herein referred to was, a city containing a population of more than ten thousand and not more than one hundred thousand inhabitants; and whereas, at a special election duly held therein on the fifth day of December, eighteen hundred and eighty-eight, according to law and to the provisions of section eight of article eleven of the Constitution of this State, a Board of Fifteen Freeholders, duly qualified, was duly elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city, which Board of Freeholders did, within ninety days after said election, prepare and propose a charter for said city; and whereas, the same was, on the tenth day of January, eighteen hundred and eighty-nine, signed in duplicate by each and all of the members of said Board of Freeholders, and was, on the tenth day of January, eighteen hundred and eighty-nine, returned and delivered, one copy thereof to the Mayor of said City of San Diego, and the other copy thereof to the Recorder of San Diego County (within which said city is situated); and whereas, such proposed charter was then published in two daily newspapers of general circulation in said city, to wit: in the "San Diego Daily Sun" and in "The Daily San Diegan," in each instance for twenty days, said publication having been commenced within twenty days after the completion of said proposed charter; and whereas, said charter was submitted (within not less than thirty days after the completion of said publication) by the legislative authority of said city, to wit: by the City Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on the second day of March, eighteen hundred and eighty-nine; and whereas, at said special election a majority of such qualified electors of said city voting at said special election did vote in favor of, and did ratify said charter so proposed, and the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, as provided for in said section eight of article eleven of the Constitution; and whereas, the said charter so ratified is in the words and figures following, to wit:

CHARTER FOR THE CITY OF SAN DIEGO.

Prepared and proposed by the Board of Fifteen Freeholders elected December 5, 1888, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

BOUNDARIES, RIGHTS, AND LIABILITIES, DIVISION INTO WARDS, AND ELECTIONS.

CHAPTER I.—OF BOUNDARIES, RIGHTS, AND LIABILITIES.

SECTION 1. The municipal corporation now existing and known as "The City of San Diego" shall continue to be a municipal corporation under the same name, with the same boundaries that it now has, to wit: All that tract of land known as the pueblo lands of San Diego, included in the survey made in July, eighteen hundred and fifty-eight, by J. C. Hayes, United States Deputy Surveyor-General for the State of California, according to the field notes of said survey by said Hayes; and, also, all that portion of the Peninsula of San Diego which lies north of a straight line drawn from the southwest corner of the pueblo lands of San Diego, westward to the Lighthouse on Point Loma; and the municipal jurisdiction of said City of San Diego shall extend to said limits and boundaries and over the tide-lands and waters of the Bay of San Diego, and into the Pacific Ocean to the extent of one marine league from the shore.

SEC. 2. The said corporation shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of San Diego, and sell, convey, and dispose of the same for the common benefit; receive bequests, donations, and gifts of all kinds of property, within and without the City of San Diego, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gifts, bequests, or trusts.

SEC. 3. The said corporation shall be and continue vested with all the property rights and rights of action of every kind now belonging to the City of San Diego, and shall succeed to all the property of the present Board of Education of said city, and shall be subject to all the liabilities now existing against said city or against said Board.

CHAPTER II.—OF WARDS.

SECTION 1. The said city shall be and is hereby divided into nine wards, as follows:

FIRST WARD.

SEC. 2. This ward shall include all that portion of said city bounded as follows: Commencing at a point where the center line of Upas Street, in Middletown, intersects the Bay of San Diego; thence northeasterly along the center of said street to a connection with the west end of Upas Street, in Horton's Addition; thence easterly, following the center line of said street to the west line of the City Park; thence north along said west line to the northwest corner of said park; thence east along the north line of said City Park, and along the north lines of pueblo lots numbers eleven hundred and twenty-eight (1128) and thirteen hundred and fifty (1350) to the eastern boundary of said city; thence northwesterly, following the eastern boundary of said city to a point where said boundary intersects the Pacific Ocean; thence southerly, following the shore line of said ocean to the most southerly end of Point Loma; thence in a northeasterly direction, following the water line of said Point Loma and the shore line of the Bay of San Diego to the point of commencement.

SECOND WARD.

SEC. 3. This ward shall include all that portion of said city within the boundaries as follows: Commencing at a point where the center line of Ash Street, in Middletown, intersects the Bay of San Diego; thence northerly, following the shore line of said bay to the center line of Upas Street; thence northerly and easterly, following the center line of said Upas Street, both in Middletown and Horton's Addition, to the west line of the City Park; thence south along the said west line of Park to the center line of Date Street; thence west on center line of Date Street to the center line of Fifth Street; thence south on center line of Fifth Street to center line of Ash Street; thence west along the center line of Ash Street to the Bay of San Diego, or place of beginning.

THIRD WARD.

SEC. 4. This ward shall include all that portion of the city bounded on the north by the center line of Ash Street, from its intersection with the Bay of San Diego to the center line of Fifth Street; thence south on center line of Fifth Street to center line of E Street; thence west on center line of E Street to the Bay of San Diego; thence north on shore line of said bay to the center line of Ash Street, or place of beginning.

FOURTH WARD.

SEC. 5. This ward shall include all that portion of the city bounded as follows: Commencing at the center of the intersection of Ash and Fifth Streets; thence north on center line of Fifth Street to center line of Date Street; thence east on center line of Date Street to west line of the Park; thence north on said west line of the Park to the north boundary of said Park; thence east on said north Park line, and south of pueblo lots numbers eleven hundred and twenty-seven (1127) and thirteen hundred and forty-nine (1349), to the eastern boundary of the city; thence southerly along the said eastern boundary of the city to a point where the center line of D Street extended will intersect the said eastern boundary; thence west along the center line of D Street, so extended, to the eastern end of D Street, as now opened, and west along the center line of D Street to center line of Fifth Street; thence north on center line of Fifth Street to center line of Ash Street, or place of beginning.

FIFTH WARD.

SEC. 6. This ward shall include all that portion of the city bounded on the north by the center line of E Street, from its intersection with the Bay of San Diego east to the center line of Fifth Street; thence south on the center line of Fifth Street to the Bay of San Diego; thence on the south and west by the Bay of San Diego.

SIXTH WARD.

SEC. 7. This ward shall include all that portion of the city bounded as follows: Commencing at the center of intersection of Fifth and D Streets; thence east on center line of D Street extended, to eastern boundary of the city; thence southerly on said boundary to the center line of H Street extended, to said boundary; thence west on center line of H Street to center line of Fifth Street; thence north on center line of Fifth Street to center line of D Street, or place of beginning.

SEVENTH WARD.

SEC. 8. This ward shall include all that portion of the city bounded as follows: Commencing at the center point of intersection of H and Fifth Streets; thence east on center line of H Street extended, to the eastern boundary of the city; thence southeasterly on said boundary to the center line of N Street extended, to the city boundary; thence west on center line of N Street extended, to the Bay of San Diego; thence northwesterly along said bay to the intersection of the center line of Fifth Street with said bay; thence along the center line of Fifth Street to center line of H Street, or place of beginning.

EIGHTH WARD.

SEC. 9. This ward shall include all that portion of the city lying south of the center line of N Street, from its intersection with the Bay of San Diego, east to the eastern boundary of the city; thence southerly to the southeast boundary of the city; thence westerly on the southerly boundary to the Bay of San Diego; thence northwesterly on the shore of said bay to the intersection of the center line of N Street, or place of beginning.

NINTH WARD.

SEC. 10. This ward shall include all that portion of the city lying north of the southern boundary of the city known as the Peninsula of San Diego, bounded by the Bay of San Diego and the Pacific Ocean.

SEC. 11. The jurisdiction of all wards bounded by the Bay of San Diego shall extend to the center of ship's channel at right angles with the shore line.

SEC. 12. The Common Council shall, in the year eighteen hundred and ninety-two, and every five years thereafter, redistribute the city into nine wards, making the population in each ward as nearly equal as convenience will permit.

CHAPTER III.—OF ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds:

First—General Municipal Elections.

Second—Special Elections.

SEC. 2. General municipal elections shall be held in said city on the first Tuesday after the first Monday in April in each odd numbered year for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this chapter provided.

SEC. 3. Special elections for all purposes designated in this charter shall be held on the days as fixed by the Common Council therefor.

SEC. 4. All general municipal elections and all special elections shall in all respects, as nearly as may be, be conducted and held in accordance with the provisions of the laws of the State for the holding of general elections in effect at the time; and the Common Council shall make all the necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the results of all elections by the Common Council shall be in accordance with the provisions of said State laws.

SEC. 5. The qualifications of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this State for electors at any general State election in force at the time of such election.

SEC. 6. It shall be the duty of the Board of Supervisors of the County of San Diego, when the great registers are printed, to provide for the printing of a sufficient number of such registers (in addition to the number required otherwise by law to be printed) for the general, municipal, and special elections to be held or likely to be held in the City of San Diego, and it shall be the duty of the County Clerk of said county to furnish such registers in sufficient numbers when so required to the authorities of the city.

SEC. 7. All officers elected at a general municipal election shall take office on the first Monday of May next following such election.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

CHAPTER I.—OF THE COMMON COUNCIL.

SECTION 1. The legislative power of the City of San Diego shall be vested in two houses of legislation, which shall be designated the Common Council, and shall consist of a Board of Aldermen and a Board of Delegates.

SEC. 2. The Board of Aldermen shall consist of nine members, who shall be elected by general ticket from the city at large.

SEC. 3. At the first election under this charter nine members of the Board of Aldermen shall be elected. The five receiving the highest number of votes shall hold office for four years, and the other four for two years, and in case of a tie vote, the right to hold for two or four years shall be determined by lot. At each general municipal election thereafter, members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire; and the members so elected shall hold office for four years.

SEC. 4. The Board of Delegates shall consist of two members from each ward, who shall be elected at each general municipal election by the qualified electors of their respective wards, and shall hold office for two years. Each member of the Board of Delegates must have been both an elector of the city and an actual resident of the ward for which he was elected at least one year next preceding his election.

SEC. 5. No person shall be eligible as a member of either Board who shall have been convicted of malfeasance in office, bribery, or any other infamous crime, by the judgment of a Court; any such conviction during his term of office shall cause the forfeiture of his seat in said Board.

SEC. 6. The Boards shall meet in separate chambers. A majority of its members shall be a quorum for each Board, but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 7. Each Board shall:

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than two thirds of the members of such Board.

2. Establish rules for its proceedings.

3. Keep a journal of its proceedings, and allow the same to be published. The ayes and noes on any question shall, on the demand of any two members, be taken and entered therein.

4. Have authority to punish its members for disorderly or contemptuous behavior in its presence; and to expel any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof.

5. Have power to compel the attendance of witnesses and production of papers pertinent to any business before such Board, or any of its committees.

SEC. 8. Each Board shall meet upon the first Monday of each month, or, if that day be a legal holiday, then upon the next day; and neither Board shall, without the consent of the other, adjourn for more than seven days, or to any other place than its regular place of meeting. The meetings of each Board shall be public.

SEC. 9. No member of either Board shall hold any other office, Federal, State, county, or municipal, except in the National Guard or as a Notary Public, or be an employé of said city, or of either of said Boards, or be directly or indirectly interested in any contract with said city or with or for any department or institution thereof; or advance money or furnish material or supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place, or employment under the City Government, or under any Department, Board, or officer thereof; but nothing in this section shall impair the right of a member to nominate and recommend any person for any office or position to be filled by appointment or election by the Common Council or the Board of which he is a member. Upon taking office, each member shall make and file in the office of the Clerk an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

SEC. 10. Every legislative act of said city shall be by ordinance. The enacting clause of every ordinance shall be: "Be it ordained by the Common Council of the City of San

Diego as follows." Any ordinance may originate in either Board, and when it shall have passed one Board, may be passed, amended, or rejected in the other.

SEC. 11. No bill shall become an ordinance unless, on its final passage in each Board, at least a majority of all the members vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the journals.

SEC. 12. No amendment to any bill by either Board shall be concurred in by the other except by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be entered in the journal of such Board. Reports of committees of conference shall be adopted in either Board only by the affirmative vote of at least a majority of its members, taken by ayes and noes, and the names of those voting for and against the same shall be recorded in the journal.

SEC. 13. No ordinance shall be revised, reenacted, or amended by reference to its title; but the ordinance to be revised or reenacted, or the section thereof amended, shall be reenacted at length as revised or amended.

SEC. 14. When a bill is put upon its final passage in either Board, and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of said Board. No bill for the grant of any franchise shall be finally passed within thirty days after its introduction.

SEC. 15. No ordinance shall take effect until ten days after its passage, unless otherwise expressed in said ordinance.

SEC. 16. Every bill, after it has passed the two Boards, shall be signed by the President of each Board in open session, in authentication of its passage. In signing such bill, he shall call the attention of the Board to the bill, and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member objects that the bill is not the same as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the President shall withhold his signature, and the bill shall be corrected and signed before the Board proceeds to any other business.

SEC. 17. Every bill which shall have passed the two Boards, and been authenticated, as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify his objections thereto in writing. If he do not return it with such disapproval, within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the journal of the Board in which such bill originated. Said Board shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than two thirds of the members of each Board, the Presidents of the respective Boards shall certify that fact on the bill, and when so certified, the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive upon the first vote thereon in either Board an affirmative vote of two thirds of the members, it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the journals of each Board.

SEC. 18. All ordinances and resolutions shall be deposited with the Clerk, who shall record the same at length in a suitable book. Ordinances of a general nature shall be published at least once in the city official newspaper.

CHAPTER II—OF THE POWERS OF THE COMMON COUNCIL.

SECTION 1. Subject to the provisions, limitations, and restrictions in this charter contained, the Common Council shall have power to pass ordinances:

1. To make and enforce within the limits of said city all such local, police, sanitary, and other laws and regulations as are not in conflict with general laws or this charter.

2. To regulate and control the use of the streets, sidewalks, highways, roads, and public places for any and all purposes; to prevent encroachments upon and obstructions to the same, and require the removal of any encroachments or obstructions thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, all posts for the suspension of electric wires; for traffic and sale therein; for exhibiting banners, placards, or flags in or across the same, or from houses or other buildings, and for all other purposes.

4. To regulate the cleaning and sprinkling of the streets, sidewalks, and gutters, and prevent the depositing of ashes, offal, dirt, rubbish, or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, of telegraph or telephone wires; for the building and repair of sewers; for the erection of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and blocks and the naming of streets, public places, and thoroughfares.

7. In relation to street beggars, vagrants, and mendicants, and the exhibition and distribution of advertisements or handbills along the streets or in public places.

8. In relation to intoxication, fighting, quarreling, and vulgar language in the streets and other places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair, and removal of public fountains, for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions.

11. To restrain and prevent any riot, mob, noise, disturbance, or disorderly assembly or amusement, dangerous to persons or property in any street, house, or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of the street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks, and public places, buildings, and offices; and for inclosing, improving, and regulating public grounds.

14. To establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

15. To prohibit, suppress, regulate, or exclude from the city, or certain limits thereof, all houses of ill-fame, prostitution, and gaming; to prohibit, suppress, or exclude from the city, or certain limits thereof, all occupations, houses, places, pastimes, amusements, exhibitions, and practices, which are against good morals and contrary to public order and decency, or dangerous to public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage, and use of firearms, firecrackers, fireworks, petroleum, and all explosive and combustible material and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works, and occupations of every description that may affect the public safety, health, or comfort, and to exclude them from certain limits.

17. To protect the health, comfort, and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits hospitals, institutions, and places for the treatment of disease, or for the care of sick or insane persons; to regulate all noxious trades, and to restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to ordinance.

18. To authorize the establishment and maintenance of crematories, to regulate the same, and to exclude them from certain limits.

19. To declare what shall constitute a nuisance, and to provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth, or ballast; to prescribe the width of the tires of all vehicles and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners, and solicitors.

21. To regulate the construction, repair, care, and use of markets and market places, and of places of public amusement and public assemblage.

22. To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, and sewers.

23. To provide a public pound and poundkeeper, with necessary assistants, and to fix a salary for the poundkeeper and his assistants, which shall be paid only out of fines collected and paid into the treasury for the redemption of impounded animals; to prescribe fines for the redemption of animals duly impounded, and to provide for the collection of such fines and their payment into the treasury; to prevent animals from running at large and to provide for impounding or killing them when found running at large; to provide for the removal and disposition of animals or vehicles found unattended in any street or public place.

24. To provide suitable buildings, rooms, or accommodations for all Courts, Departments, Boards, and officers, together with all necessary attendants, furniture, fuel, lights, and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for places for the detention of witnesses separate and apart from places where criminals or persons accused of public offenses are imprisoned.

27. To regulate and provide for the employment on the streets and highways of said city of prisoners, and to make regulations requiring prisoners to be sentenced to such labor either in the chain-gang or elsewhere, as the Common Council may deem expedient; to establish, maintain, and regulate and change, discontinue and reestablish city jails, prisons, and houses of correction, and other places of detention, punishment, confinement, and reformation.

28. To purchase or acquire by condemnation such property as may be needed for public use.

29. To adopt, enter into, and carry out means for securing a supply of water for the use of the city, or its inhabitants, or for irrigating purposes therein, and along the line of its water supply.

30. To regulate the quality, capacity, and location of water and gas mains and fire plugs, and provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, and pumps, and such other appliances as may be used in the distribution of water or gas in the streets, public places, and public buildings.

31. To fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and determine the maximum rate or compensation to be charged by any person, company, or corporation supplying gas, electric or other illuminating power in said city, and in making such rate it shall be upon the basis of yielding at least seven per cent interest upon the amount of the capital invested.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, company, or corporation in this city for the use of water.

33. To regulate and impose a license tax upon public amusements, shows, and exhibitions, pawnbrokers, and railroad passenger cars; upon the manufacture, sale, transportation, or storage of any combustibles or explosives; upon astrologers and fortune tellers who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries, and other games or amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business, and places not prohibited by law that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

35. To provide for the collection of licenses and municipal revenues, and fix the amount thereof.

36. To prescribe fines, forfeitures, and penalties for the breach of any ordinance and for a violation of any provision of this charter; but no penalty shall exceed the amount of five hundred dollars, or six months' imprisonment, or both.

37. To provide for the security, custody, and administration of all property of said city.

38. To make rules and regulations for the government of all servants, employes, officers, and departments, and to fix the fees and charges for all official services, and to fix salaries and wages not otherwise provided by general laws or by this charter.

39. To allow and order paid out of the various funds provided in this charter the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

40. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To provide for the survey of streets and blocks of land within the limits of the city, and to declare such surveys official, and to compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official or otherwise dedicated.

42. To provide in the annual tax levy for a special fund to be used in the construction of a general system of sewerage and drainage for said city.

43. To provide a common seal for said city, and from time to time to alter and change the same; and, also, to provide for seals for the several departments, Boards, and officers of said city, and for the Police Court, and for altering and changing the same.

44. To open, close, straighten, or widen any street, road, or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor, or injuriously affected thereby, upon the conditions and in the manner by law and in this charter provided; and in like manner to establish and change the grade of any street, road, or highway. But no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph or telephone posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place, or other public property.

45. To regulate all street railroads, tracks, and cars, and when and where necessary to compel the owners of two or more of such roads using the same street for any distance, to use the same tracks, and to equitably divide the expense thereof between the owners; to fix and establish, reduce and increase the fares and charges for transporting passengers and goods thereon; to regulate the rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads; to compel the owners of street railroads to pave and keep in repair the street between the rails, and also between their tracks, and for at least two feet on each side of the same, including all switches, turnouts, and sidetracks.

46. To grant authority, for a term not exceeding twenty-five years, to construct street railways and lay down street railroad tracks upon or over any of the streets of said city upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, and on such conditions as may be required by law and provided by ordinance, and from time to time to establish, alter, and regulate the rates of fare to be charged by any person, company, or corporation to which such authority may be granted.

47. To allow any railroad company or corporation to enter said city, and make its way to the waterfront at the most convenient point for public convenience; but no exclusive right, franchise, or privilege shall be granted to such railroad company; and the use of all such rights, privileges, and franchises shall at all times be subject to regulation by the Common Council. Every ordinance granting such right, privilege, or franchise, shall be

upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track, and also between the tracks, and for at least two feet on each side of the same, including switches, turnouts, and sidetracks, and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege, or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Common Council shall determine.

48. To make appropriations allowed by law or this charter.

49. To provide for the execution of all trusts confided to said city.

50. To provide for the sale and conveyance, or lease, of all lands now or hereafter owned by said city not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three weeks. No sale shall be authorized or any lease made for a longer term than two years, except by ordinance passed by the affirmative vote of two thirds of the members of each Board.

51. To provide for the sale, at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said city.

52. To provide for the purchase of property levied on under execution in favor of said city; but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

53. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or any other great or unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of two thirds of the members of each Board, and be approved by the Mayor. Before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two thirds of the qualified electors of said city, voting at an election held for that purpose.

SEC. 2. A committee of three members from each Board shall constitute the Board of Equalization of said city, and shall meet at the time prescribed by this charter, and organize by the election of one of their number as Chairman, and shall have the powers and perform the duties concerning the equalization of taxes given to County Boards of Equalization by the general revenue laws of the state. The City Clerk shall act as the Clerk of the Board of Equalization, and the Common Council shall provide for the compensation of the members of the Board of Equalization for the time that they are actually engaged in the equalization of taxes.

SEC. 3. The Common Council shall have power to make all rules and regulations necessary to carry into execution all powers vested by this charter, or by law, in said city, or in any department or officer thereof.

SEC. 4. The Board of Aldermen and the Board of Delegates shall each have power to appoint from their members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Each of said committees shall have power to investigate the transactions and accounts of all officers having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury; shall have free access to any records, books, and papers in all public offices; shall have power to administer oaths or affirmations, and to examine witnesses, and compel their attendance before them by subpoena. Said committees, or either of them, may visit any of the public offices, when and as often as they think proper, and make their examinations and investigations therein without hindrance. It shall be the duty of such committees, as often as once in every six months, to examine the official bonds of all city officers and depositories of the city funds, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond, with the sureties and the amount for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer until a sufficient bond is filed and approved. In the exercise of its functions a concurrence of two members of either committee shall be deemed sufficient. Each of said committees shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If, from the examination made by either of such committees, it shall appear that a misdemeanor in office, or a defalcation, has been committed by any officer, said committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend or remove such officer. Any police officer shall execute the process and orders of said committees, or either of them.

SEC. 5. The Common Council shall not grant any franchise for the construction of any wharf into the Bay of San Diego, except in the manner following, viz: In addition to the requirements under the general laws, each and every ordinance granting such franchise must receive the vote of at least two thirds of the members of each Board, and shall provide that work shall commence within six months and be prosecuted continuously, and shall be completed within one year thereafter. Said time shall not be extended for any cause, and unless so completed the franchise shall be forfeited.

SEC. 6. Every grant of a franchise, right, or privilege shall be subject to the right of the Common Council at any time thereafter to repeal, change, or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Common Council to repeal, amend, or modify said ordinance.

SEC. 7. No exclusive franchise or privilege shall be granted for laying pipes or other conduits under any of the public streets or through any public place for the use of any telegraph, telephone, or other mode of transmitting intelligence or electric or any motive power.

SEC. 8. The Common Council shall make no appropriation in aid of any corporation, person, or society, unless expressly authorized by this charter or the laws of the State.

SEC. 9. The Common Council shall not grant authority to construct a street railway or lay down street railroad tracks upon or over any of the streets of said city except in the manner and on the terms following, viz.: Upon the application being made to the Common Council for authority to construct and operate a street railway along and upon any of said streets, the Common Council shall, by concurrent resolution, determine whether such franchise, or any part thereof, should be granted; and, after such determination, they shall cause notice of such application and resolution to be published for ten days, and shall in said notice specify the route over and along which they have determined to grant such franchise, and shall offer to grant the same to the person, company, or corporation who will pay the highest sum for the franchise. Bidding for such franchises must be in accordance with the provisions of this charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable, and the Common Council may reject any and all bids, and may refuse to grant a franchise for any part of the route for which the application was made.

SEC. 10. All claims for damages against the city must be presented to the Common Council and filed with the Clerk within six months after the occurrence from which the damages arose.

SEC. 11. No expenditure, debt, or liability shall be made, contracted, or incurred during any fiscal year that cannot be paid out of the revenue provided for such fiscal year. Except as otherwise authorized in this charter, the city shall not, nor shall the Common Council, the Board of Education, or any Board, department, or officer, incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such fiscal year. All contracts, indebtedness, or liabilities incurred contrary to the provisions of this section shall be void, and shall not be paid out of the treasury, or constitute, or be the foundation of any claim, demand, or liability, legal or equitable, against said city. The words expenditure, indebtedness, and liability herein used, shall include official salaries and the pay of all employes of said city, or of any of its departments.

SEC. 12. No part of the income or revenue provided for any particular fiscal year shall be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the sinking fund and the interest upon the bonded debt alone excepted.

SEC. 13. Except as otherwise authorized in this charter, the Common Council, Board of Education, or any other Board, department, committee, or officer shall not give one demand preference over another in the authorization, allowance, or approval thereof; but demands shall be acted upon in the order in which they are presented.

SEC. 14. All ordinances or resolutions appropriating money or for the incurring of indebtedness or liability against the treasury, introduced in either Board of the Common Council, or in the Board of Education, or other department or authority, must, before being passed, be presented to the Auditor, and until he certifies in writing upon such ordinance or resolution that such appropriation can be made or indebtedness incurred without the violation of any of the provisions of this charter, no further action shall be had upon the same.

SEC. 15. Neither the Common Council nor any officer, Board, department, or authority shall allow, make valid, or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the same, nor shall they or any of them ever allow or authorize to be paid any demand which, without such action, would be invalid, or which shall then be barred by any statute of limitation, or for which said city was never liable.

SEC. 16. All official advertising of the City of San Diego shall be done by contract. Immediately after the organization of the City Government under this charter, and every two years thereafter, the Clerk of the Common Council must publish a notice in a daily newspaper of said city, for ten days, calling for proposals to do all of the advertising of said city, including the delinquent tax list. Said notice must state:

1. That the maximum rate that will be allowed for such advertising will be as follows: For each one thousand ems of type, set solid, if the publication is made three times, or less, two dollars and twenty-five cents; if the publication is made five times, two dollars and fifty cents; if the publication is made ten times, three dollars; if the publication is made fifteen times, three dollars and twenty-five cents; if the publication is made twenty-one times, three dollars and fifty cents; if the publication is made thirty times, four dollars and fifty cents. For the completed publication of the delinquent tax list, set solid, four dollars per one thousand ems. Any single notice less than one thousand ems to be considered one thousand ems.

2. That unusual headlines, and other artifices to increase space, will not be allowed.

3. That the bidder must be the responsible publisher of a newspaper in said city having a bona fide daily circulation, and which has been regularly published in said city for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the "city official newspaper." No Board, department, officer, or authority shall make any publication which is not expressly

authorized by this charter; and all publications so authorized shall be made in the city official newspaper, exclusively, unless otherwise expressly provided in this charter; *provided*, that if no qualified bidder shall be willing to publish said advertising for the maximum rates herein specified, then such publication shall not be required, and publication by posting at the place of meeting of the City Council for the number of days required shall be deemed sufficient.

ARTICLE III.

EXECUTIVE DEPARTMENT.

CHAPTER I.—OF THE MAYOR.

SECTION 1. The Mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the City of San Diego, at each general city election, and his term of office shall be two years.

SEC. 2. The Mayor shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, Boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, Boards, officers, and persons are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may discover, or which may be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests may be protected, and the person in default proceeded against according to law. He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

SEC. 3. He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, Board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to, or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

SEC. 4. He shall, at least once in three months, together with a majority of the Auditing Committee, count the cash in the City Treasury, including as cash the balance found by them to be standing in the bank depository to the credit of the Treasurer at the time of said counting, and see that it corresponds with the books of the Treasurer and Auditor.

SEC. 5. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge, that any contract or agreement with the city or any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employé, as in case of malfeasance in office. The Mayor shall give a certificate, on demand, to any person reporting such facts and information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 6. When any person shall furnish to the Mayor a statement in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employé under any officer or in any department is incompetent or inefficient, or that there are more deputies, clerks, or employés under any officer in any department than are necessary, the Mayor shall at once investigate the matter, after notice to such deputy, clerk, or employé and his principal, or the head of the department; and if the Mayor find the same to be true, he shall suspend or remove such deputy, clerk, or employé.

SEC. 7. The Mayor shall appoint all officers whose election or appointment is not otherwise specially provided for in this charter or by law. He shall have power to remove for cause any person holding office by his nomination or appointment; and in case of such removal shall give written notice thereof, stating the cause, to the person removed, and shall immediately notify the Common Council of his action and the reasons therefor.

SEC. 8. The Mayor may call special sessions of the Common Council, or of either Board thereof, and shall communicate to them in writing when assembled, the objects for which they have been convened; and their action at such sessions shall be confined to such objects.

SEC. 9. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Board of Aldermen shall act as Mayor pro tempore. When a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Common Council, assembled in joint convention for that purpose, and any person possessing the necessary qualifications may be chosen Mayor at such election. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 10. The Mayor shall not receive for any public service rendered by him during his term of office any other or greater compensation than the salary allowed him as Mayor.

CHAPTER II.—OF THE CITY CLERK.

SECTION 1. The Common Council, in joint session, shall elect a City Clerk, who shall hold office for two years from the date of his election, unless sooner removed by resolution. His duties shall be to keep the corporate seal and all books, papers, records, and other documents belonging to the city, the custody of which is not in this charter otherwise provided for; to attend all meetings of the Common Council, and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions, and perform such other duties relating to his office as the Common Council and this charter shall direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. The City Clerk shall have power to appoint a deputy, who shall, under his direction, have the same powers and perform the same duties as the City Clerk. The compensation of the City Clerk and his deputy shall be fixed by ordinance by the Common Council.

CHAPTER III.—OF THE AUDITOR AND ASSESSOR.

SECTION 1. The Auditor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates. He shall be ex officio Assessor. As Assessor he shall perform all the duties prescribed by this charter, or by law, for assessing property in the city for purposes of taxation, and in relation to street improvements.

SEC. 2. As Auditor he shall number and keep a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account, and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall, on the first Monday of each month, or oftener if required, report to the Mayor the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and business-like manner every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall make an annual report showing the source from which the city's revenues were derived, and how expended. He shall issue all licenses and turn the same over to the Tax Collector for collection, and shall draw and sign all warrants upon the treasury, except as otherwise in this charter provided. Every demand must, before it can be paid, be presented to the Auditor to be approved, who shall not approve the same unless the money is legally due and remains unpaid, and the payment thereof from the treasury of the city is authorized by law, and out of the proper fund. No demand upon the treasury shall be allowed by the Auditor in favor of any officer or other person, or any of their assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness, nor in favor of any officer or other person, or his assigns, having the collection, care, custody, or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer, or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the Common Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the Common Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 3. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination.

SEC. 4. He shall perform such other duties as this charter or the Common Council may direct; and may appoint such regular and temporary deputies, both as Auditor and Assessor, as the Common Council may authorize, whose compensation shall be fixed by ordinance.

SEC. 5. The term of office of the Auditor shall be four years.

SEC. 6. Whenever, in the judgment of the Common Council, it shall be for the best interest of the city, the offices of Auditor and Assessor may be made separate, and the salary of each of said officers shall be fixed by the Common Council; and where separated, the Assessor shall be appointed by the Mayor, subject to confirmation by the Board of Delegates, and hold his office for the term of four years from the time of such appointment.

CHAPTER IV.—OF THE TREASURER AND TAX COLLECTOR.

SECTION 1. The Treasurer shall be ex officio Tax Collector. As Tax Collector he shall perform the duties in this charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep

an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by this charter or any ordinance of said city. He shall not pay out any moneys belonging to the city except upon legal demands, allowed and audited in the manner provided by this charter, or authorized by law.

SEC. 2. The Treasurer shall be elected in the same manner and at the same time as the Mayor, and shall hold office for two years.

CHAPTER V.—OF THE CITY ATTORNEY.

SECTION 1. The Common Council, in joint session, shall elect a City Attorney, who shall hold office for two years from the date of his election, unless sooner removed by resolution of each Board.

SEC. 2. It shall be the duty of the City Attorney to prosecute, in behalf of the people, all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters, and things in which the city may be legally interested; *provided*, that the Common Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation, or to assist the City Attorney therein. He shall give his advice or opinion in writing whenever required by the Common Council, Mayor, or other city officers, and shall do and perform all such things touching his office as by the Common Council may be required of him. He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the Common Council, before the same are submitted to the proper authority or final approval, and no such bonds shall be finally approved without such approval by the City Attorney. He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city.

CHAPTER VI.—OF FEES AND COLLECTIONS.

SECTION 1. All fees and other moneys received or collected by any officer, agent, or employé of the city shall be paid by such officer, agent, or employé, each month, or as much oftener as the Common Council may require, into the City Treasury for the use of the city; and no payment of salary shall be made to any officer, agent, or employé who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor an affidavit that he has paid into the City Treasury all fees or other moneys theretofore received by him or collected; except that the Assessor may retain his fees for collection of personal property tax.

CHAPTER VII.—OATH OF OFFICE.

SECTION 1. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take, subscribe, and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— to the best of my ability."

CHAPTER VIII.—OF OFFICIAL BONDS.

SECTION 1. All salaried officers of this city, other than Mayor and members of the Common Council, must, before they can enter upon the discharge of their official duties, give approved bonds, conditioned for the faithful performance of such duties, with two or more sureties, which sureties shall be freeholders within the State and residents thereof, and worth the sums for which they become liable on such bonds, over and above all just debts and liabilities, in unincumbered property situated within this State, which is not exempt from execution and forced sale. All official bonds must be approved by a majority of the Auditing Committee, in open session. The amounts of all such bonds shall be fixed by the Common Council by ordinance; *provided*, that the following officers, taking office for the first time under this charter, shall give bonds in the following sums: City Clerk, five thousand dollars; Auditor, five thousand dollars; Assessor, five thousand dollars; Treasurer, twenty thousand dollars; Tax Collector, thirty thousand dollars; City Attorney, five thousand dollars; Police Judge, five thousand dollars; each Commissioner of the Board of Public Works, fifteen thousand dollars.

CHAPTER IX.—OF OFFICIAL SALARIES.

SECTION 1. The annual salaries of the officers and the compensation of the employés of the city shall be as follows: The Mayor, fifteen hundred dollars; the Auditor and Assessor, twenty-four hundred dollars; the Treasurer and Tax Collector, eighteen hundred dollars; the City Attorney, two thousand dollars; the Police Judge, fifteen hundred dollars; Commissioners of the Board of Public Works (each), fifteen hundred dollars; the City Engineer, two thousand dollars; the Chief of Police, eighteen hundred dollars; the Chief Engineer of the Fire Department, twelve hundred dollars; the Superintendent of Schools, fifteen hundred dollars. And of all other officers and employés as may be fixed by the Common Council, and all salaries shall be payable monthly. The Common Council, in the month of January, eighteen hundred and ninety-one, and every four years thereafter, shall readjust and fix anew the amount of all official salaries provided for in this charter.

CHAPTER X.—OF SUBORDINATE APPOINTMENTS AND REMOVALS.

SECTION 1. The Common Council shall have power to provide by ordinance for the appointment by the different departments and officers of such number of clerks, employes, and deputies as may be necessary to transact the business of such departments and officers, and also to provide the terms of service and compensation of such clerks and employes and deputies; but the Common Council shall have power to order their discharge whenever their services are no longer needed.

ARTICLE IV.

JUDICIAL DEPARTMENT.

OF THE POLICE COURT.

SECTION 1. A Police Court is hereby established in the City of San Diego, to be held by the Police Judge elected at each general city election from the electors of said city, to hold office for the term of two years and until his successor is elected and qualified. Said Court shall always be open, except on non-judicial days, and upon such days may transact criminal business only.

SEC. 2. The Police Court shall have exclusive jurisdiction of the following public offenses, committed within this city:

First—Petit larceny, when not included in a complaint or information, charging grand larceny.

Second—Assault or battery, not charged to have been committed upon a public officer in the discharge of his official duty, or with intent to kill, or in such manner as to make the offense a felony.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by fine, not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Fourth—Of proceedings respecting vagrants, lewd, or disorderly persons.

Fifth—Of all proceedings for violation of any ordinance of said city, both civil and criminal.

Said Court shall also have jurisdiction:

First—Of any and all suits to recover taxes, general or special, levied in said city for city purposes; and of all suits to recover any assessment levied in said city for the improvement of streets, avenues, levees, sidewalks, and public squares, and for the opening or laying out of the same, when the amount of said tax or assessment sought to be collected against the person, firm, or corporation assessed is less than three hundred dollars; *provided*, no lien upon the property taxed or assessed for the non-payment of the taxes or assessment is sought to be foreclosed by said suit.

Second—Of any action for the collection of money due to said city, or from the city to any person, firm, or corporation, when the amount sought to be collected is less than three hundred dollars.

Third—Of any action for the breach or violation of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, or is in any way interested, and on all forfeited recognizances given to, or for the benefit, or in behalf of said city, and upon all bonds given upon any appeal taken from the judgment of said Court in any action above named, when the amount claimed, exclusive of cost, is less than three hundred dollars.

Fourth—Of an action for the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

Fifth—Of an action for the collection of any license required by any ordinance of the city.

SEC. 3. Any Justice of the Peace of said city, who may be designated in writing by the Mayor thereof for the purpose, shall have power to preside in and hold the Police Judge's Court of said city in cases in which the Police Judge is a party, or in which he is directly interested, or when the Judge is related to either party by consanguinity or affinity within the third degree; and also in the case of the sickness or temporary absence of the Judge, or his inability to act from any cause; and in all such cases, and during such sickness, temporary absence, or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are, or may be by law, conferred upon said Court or Judge.

SEC. 4. The Judge of said Court shall also have power to hear cases for examination, and may commit and hold the offender to bail for trial in the proper Court, and may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and to punish persons guilty of contempt of Court, and shall have power to issue warrants of arrest in case of a criminal prosecution for the violation of a city ordinance, as well as in a case of the violation of the criminal law of the State; also, to issue all subpoenas and all other processes necessary to the full and proper exercise of his powers and jurisdiction in all trials or examinations before the Police Judge.

SEC. 5. There shall be furnished for the use of the Police Court, two dockets; one shall be styled the City Criminal Docket, in which all the criminal cases shall be entered, and each case shall be alphabetically indexed; the other shall be styled the City Civil Docket, and it shall contain a record of every civil case which is prosecuted before said Court, and

each case shall be properly indexed, and in all cases the docket shall contain all such entries as are required by law to be made in the Justice's docket; and in any case commenced or tried before the Court the docket must show what duties were performed by each officer, and the amount of fees due to the officers for such services, and the amount of money, if any, collected.

SEC. 6. Appeals from the Police Court may be taken to the Superior Court of the county in all cases cognizable by the Police Court, and such appeals shall be taken as in case of appeal from a Justice's Court.

SEC. 7. The City Attorney shall prosecute all cases for the violation of any lawful order, regulation, or ordinance of the City Council, and shall prosecute, conduct, and control all proceedings in cases mentioned in section two of this article, both in the Police Court and on appeal therefrom to the Superior Court, but the District Attorney may attend and conduct all proceedings of the nature of a preliminary examination before said Police Court.

SEC. 8. In all cases when the Police Court is authorized to impose a fine or imprisonment, or both, upon persons convicted in said Court of any offense triable therein, the said Court may sentence the offender to be imprisoned in the city jail, if there be one established by the Common Council; if not, then until said Common Council shall designate and establish a city jail or prison, may sentence offenders to be imprisoned in the county jail; and in addition to imprisonment, may sentence offenders to be employed to labor in the city, under the direction of the Chief of Police, and in the manner prescribed by ordinance, for the benefit of the city, during such time of imprisonment, and may, in case of imposing a fine, embrace as part of the sentence that, in default of the payment of such fine, the defendant shall be imprisoned and required to labor for the benefit of the city as before provided, at the rate of two dollars a day, till such fine is satisfied. Offenders required to labor under the direction of the Chief of Police shall, until the establishment of a city jail, be returned to the county jail at the end of each day's labor during their term of imprisonment, until a city jail shall be by the Common Council established. It is hereby made the duty of the officer having the control or charge of the county jail of the county wherein said city is situated, to receive and safely keep all persons imprisoned by any judgment or order of the Police Court, in accordance with the order of commitment, and to allow those to be removed from the jail under the charge of the Chief of Police, who are required to labor for the benefit of the city, or whom the Police Judge may order brought forth for trial, and the keeper of the jail shall in no way be responsible for the safe keeping of such prisoners while so under the charge of the Chief of Police.

SEC. 9. The Court shall have a seal, to be provided by the city, and certified transcripts of the Police Judge's docket and the seal of his Court shall be evidence in any Court of the State of the contents of the docket; and all warrants and other processes issued out of said Court, and all acts done by said Police Judge under its seal, shall have the same force and validity, in any part of this State, as though issued or done by any Court of record of this State.

SEC. 10. The Police Judge shall, on the first Monday of each month, make to the Common Council a full report of all the cases tried in his Court during the preceding month in which the city may be interested, and at the same time shall pay into the City Treasury all fines and other moneys collected on behalf of the city for such month.

SEC. 11. The Chief of Police, or any policeman of said city, is hereby authorized, empowered, and directed to serve, execute, and return any and all notices, warrants of arrest, and all processes directed to him by the Police Judge of said city, and to arrest all persons accused, or guilty, of the violation of any city ordinances, or of any public offenses.

SEC. 12. The interest which any inhabitant of said city may have in a penalty for the breach of a by-law or ordinance of said city, shall not disqualify said inhabitant to act as Judge, juror, or witness, in any prosecution to recover the penalty.

SEC. 13. The proceedings prescribed for Justices of the Peace and Justice's Courts, in the Penal Code and the Code of Civil Procedure, shall be applicable to said Police Judge and Police Court, and all criminal proceedings shall be prosecuted in the name of the people of the State of California.

ARTICLE V.

DEPARTMENT OF PUBLIC WORKS.

CHAPTER I.—OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works, under the management of three Commissioners, who shall constitute a "Board of Public Works." The Commissioners shall be appointed by the Mayor from among the qualified electors of the city, subject to the approval of the Board of Delegates. Their term of office shall be four years, and not more than two shall belong to the same political party. The Commissioners first appointed shall, at their first meeting, so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 2. Immediately upon their appointment and qualification said Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year, and until his successor is elected. Said Board shall elect a Secretary, who shall not be a member of said Board and shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks, and employes, and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by at least two of said Commissioners, and be filed with the Auditor.

SEC. 3. The Board shall hold regular meetings once in each week, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on the day and at the hour fixed by resolution entered upon its records. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published, and shall perform such other duties as the Board may from time to time prescribe.

SEC. 5. It shall, immediately upon completing its organization, take possession of and hereafter keep the custody of all maps, surveys, field notes, plans, specifications, contracts, all documents, books, and papers; all machinery, tools, and appliances, and all property belonging to the city (not otherwise provided for in this charter), or heretofore in possession of or under control of the City Surveyor, Street Commissioner, Sewer Inspector, Superintendent of Parks, and Harbormaster; and shall compile such data or furnish such information as may be required by the Mayor, the Common Council, or the Board of Education.

SEC. 6. The Board may appoint such employes as are herein provided for, or as may be authorized by the Common Council. The salaries of all officers, clerks, and employes of the Board, except so far as the same are designated by this charter, shall be fixed from time to time by the Common Council in its discretion, on recommendations by the Board.

SEC. 7. The Board shall have charge and superintendence of all public work of every kind, where not otherwise provided in this charter, to be done for the city or for the Board of Education, or any other department, and also of the furnishing of all material and supplies for said city. It shall be the duty of the Board to vigilantly inspect all parts of the city, and to recommend from time to time to the Common Council such work as it may deem necessary and proper.

SEC. 8. The Board shall have special charge, superintendence, and control, subject to such ordinances as the Common Council may from time to time adopt, of the harbor and waterfront, and of all streets, sidewalks, highways, roads, bridges, wharves, parks, and public places belonging to the city, or dedicated to public use, and of the improvement and repair thereof; of all sewers, drains, cesspools, and the work pertaining thereto, or to the drainage of the city; of the cleaning of streets, and of all repairs upon all accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for the city or under its authority, and of the repairs of such improvements; of all lamps and lights for the lighting of the streets, parks, public places, and public buildings of the city, and of the erection of all posts for such lamps and lights, and of all public works and improvements hereafter to be done by the city. The Board shall have exclusive authority to prescribe rules and grant permits in conformity with the ordinances of the city, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks, and the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences inclosing areas upon the sidewalks; the putting up of signs and awnings; the location of steam boilers; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles and poles for electric lighting or other electrical purposes, and to restrict the number of such poles to one set on each side of the streets of the city; the construction of drains and sewers; the laying down and taking up of gas, steam, and water pipes, pneumatic or other tubes and pipes, and sewers and drains, and determining the location thereof, and to prescribe such rules as shall prevent unnecessary damage to the streets by reason of the laying of said pipes, tubes, and sewers, and which shall prevent the interference of the different systems; the use of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use. The Board shall have full power to regulate and control, subject to the ordinances of the city, the anchorage of vessels in the harbor of San Diego or elsewhere within the limits of the city; the manner of using the streets, sidewalks, wharves, harbor, parks, and public places, and to prevent and remove obstructions therefrom, and to cause the prompt repair of streets, sidewalks, and public places when the same may be taken up or altered. The Board is authorized to collect, by suit or otherwise, in the name of the city, the expense of such repairs from the person or persons by whom such sidewalk or street was injured or torn up. The Board shall regulate, subject to the requirements of the Board of Health and the ordinances of the Common Council, the construction of sinks, gutters, wells, cesspools, and privy vaults, and compel the cleaning or emptying of the same, and regulate the time and manner in which the work shall be done.

SEC. 9. The Board shall appoint a Civil Engineer, who shall have at least ten years' practical experience as such, who shall be designated City Engineer, and shall hold his office at the pleasure of said Board. He shall perform all civil engineering and surveying required in the prosecution of public works and improvements done under the direction of the Board, and shall certify to the progress and completion of the same, and do such other work pertaining to his profession as he may be directed to do by the Board, or by the Common Council, or by the general laws of the State of California. He shall possess

the same power in the city of making surveys, plats, and certificates as is or may be from time to time given by law to the County Surveyor; and his official acts, and all plats, surveys, and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the County Surveyor. With the consent and approval of the Board, the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Common Council, as the duties of his office may require. The deputies so appointed shall receive such salaries or compensation as may be fixed by the Common Council, upon the recommendation of said Board; and they or any of them may be removed at pleasure by the City Engineer or by said Board.

Sec. 10. The Common Council shall, by ordinance, upon the recommendation of said Board, establish such fees and charges as may be proper for the services to be performed by the City Engineer, and as are not inconsistent with the laws of the State, and may, upon like recommendation, from time to time, change and adjust the same. Said Engineer shall require such fees in advance, to be paid to the Secretary of the Board, for any official act or service demanded of him, and the money received for such services shall be turned over to the Treasurer and placed to the credit of the Street Fund.

Sec. 11. The Board may, when they shall deem it necessary, appoint a Superintendent of Streets, whose duty it shall be to see that the laws, ordinances, orders, and regulations relating to public streets and highways be fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning of streets, and shall keep himself informed of the condition of all public streets and highways, and also of all public buildings, lots, and grounds of the city, and report the same to the Board, and shall perform such other duties as are hereinafter specified, or as may be required of him by this Board.

Sec. 12. All officers, employes, and agents appointed by the Board shall hold office during the pleasure of the Board.

Sec. 13. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening, or improvement of any street, road, or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to said Board, and such work or improvement shall not be ordered or authorized until after said Board shall have reported to the Common Council upon said application.

Sec. 14. All public work authorized by the Common Council to be done under the supervision of the Board, and all work for which the Board of Education shall make requisition upon the Board of Public Works; and all contracts for materials and supplies in an amount exceeding three hundred dollars, required by the Common Council, or any of the departments of the city, not otherwise provided for in this charter, shall be done under written contract, except in cases of urgent necessity, as hereinafter provided. Before awarding any contract authorized by this chapter, the Board shall cause notice inviting sealed proposals therefor, to be posted conspicuously in its office and published for not less than five days; and in case the estimated cost thereof exceeds two thousand dollars (\$2,000), to be so posted and published for not less than ten days; except that when any repair or improvement, not exceeding the estimated cost of two hundred dollars (\$200), shall be deemed an urgent necessity by the Board, such repair or improvement may be made by the Board, under written contract or otherwise, without advertising for sealed proposals.

Sec. 15. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour, at the office of the Board, for furnishing the supplies and materials and, if for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the Board, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Board for full detail and description of said work and materials.

Sec. 16. All proposals shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that his bid is genuine, and not sham or collusive, or made in the interest or on behalf of any person not therein named, and that the bidder has not directly or indirectly, induced or solicited any other bidder to put in a sham bid, or any other person or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over other bidders. Any bid made without such affidavit or in violation thereof, shall be absolutely void, and also any contract let thereunder. If at any time discovery shall be made that a contract has been let to a bidder who has violated or evaded this oath, the contract shall be canceled and no recovery shall be had thereon, and the Board shall at once proceed as before to award a new contract. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, for an amount not less than five per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check. No person, corporation, or firm shall be allowed to make, file, or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, corporation, or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals the Board shall assemble, and remain in session for at least one hour thereafter, and all bids shall be delivered to the Board by the bidder or his agent while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid, as it shall be received, shall be numbered and marked "filed," by the President, and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine, and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of the Board in some conspicuous place in the office of the Board. The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contracts with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance. The check accompanying the accepted bid shall be held by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder. If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the Street Fund. Neither the Board of Public Works, nor the Common Council, nor the Board of Education shall have power to relieve from or remit such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and no recovery shall be had thereon, and the Board shall advertise for proposals for a new contract.

SEC. 19. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the supplies and material to be used. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the Board shall be signed by at least two of the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Board of Education when the work is done upon requisition of that Board, and in other cases with the City Clerk; one thereof with said specifications and drawings, shall be kept in the office of the Board, and the other, with the specifications and drawings, shall be delivered to the contractor. At the same time with the execution of said contract said contractor shall execute to said city and deliver to the Secretary of the Board a joint and several bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the Board, or shall deposit with the Secretary a certified check upon some solvent bank for said amount for the faithful performance of said contract. No surety on any bond shall be taken unless he be a resident and householder or freeholder within the State, and worth the sum specified in the bond over and above all just debts and liabilities exclusive of property exempt from execution; and each surety shall justify and make and sign an affidavit to that effect, of which affidavit a form shall be printed upon the bond. But when the amount specified in the bond exceeds three thousand dollars (\$3,000), and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than that expressed in the bond if the whole amount be equal to two sufficient sureties. The contract for work shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board the Common Council may extend said time; but in no event shall the time for the performance of said contract be extended by the Common Council more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Common Council shall not pay or allow to him any compensation for any work done by him under said contract.

SEC. 20. If the contractor who may have entered into any contract does not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, said Board may relet the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 21. The work in this article provided for must be done under the direction and to the satisfaction of said Board; and all materials and supplies furnished must be in accordance with the specifications and be to the satisfaction of said Board, and all contracts provided for in this article must contain a provision to that effect, and also that in no case unauthorized by this charter will said city or any department or officer thereof be liable for any portion of the contract price, or in case of the improvement of streets, for any delinquency of persons or property assessed. When said contract shall have been com-

pleted to the satisfaction and acceptance of said Board, it shall so declare by resolution, and thereupon said Board shall deliver to the contractor a certificate to that effect.

SEC. 22. The Commissioners of said Board shall not, nor shall either of them or any person employed in said department, be interested, directly or indirectly, in any contract for work, labor, supplies, or material entered into by said Board; nor shall either of such Commissioners, officers, or employees be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void, and the receipt of any such gratuity shall be cause for the immediate removal from office or from employment of the person so receiving it.

SEC. 23. All contracts for subsistence of prisoners must be given out annually by the Boards of Public Works at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals, or other public institutions, must be sound and wholesome, and shall be subject to inspection and rejection by the Health Officer and by the principal officer of the prison, institution, or department for which the same are supplied, and the right to such inspection and rejection must be reserved in the contract therefor.

SEC. 24. No contract for lighting streets, public buildings, places, or offices, shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light, or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or department using or having charge thereof, and shall specify the amount of gas, electric light, or illuminating material consumed in such building during the month.

SEC. 25. When water is supplied by any person or corporation to said city, or to any department, it shall not be paid for at more than the rate for the year established by the Common Council.

CHAPTER II.—OF THE IMPROVEMENT OF STREETS.

SECTION 1. All streets, lanes, alleys, places, and courts in said city now open or dedicated, or which may hereafter be opened or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this article.

SEC. 2. The cost and expense of all work or improvements done upon any part of said streets, lanes, alleys, places, or courts, under the orders of the Common Council, shall be borne and paid for as follows:

First. The city shall pay out of the Street Fund the cost and expense of all work done on street crossings and intersections of streets that have been, or may be accepted by said city, after the acceptance of the same, and of all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways, of all work done in front of, or that may be assessed to property owned by the city or any of the departments thereof; and of all work done in front of, or that may be assessed to, property owned by the United States.

Second. The cost and expense of all grading, macadamizing, paving, plank-ing, piling, and capping any street or portion thereof, and of all curbs and gutters thereon, shall be assessed upon lands within the block or blocks adjacent thereto, as herein provided.

Third. The expense of all work on, such portion of any street required by law to be kept in order by any person, company, or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company, or corporation. No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of said city.

SEC. 3. When any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone or with such material as may be recommended by the Board of Public Works, and approved by the Common Council by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or iron, stone pipe, or cement pipe shall have been constructed as may have been adopted by said Board, the same shall be accepted by the Common Council upon the recommendation of said Board, and all improvements of said streets, except for sidewalks, shall thereafter be done at the expense of the city. The Common Council shall not accept any sidewalk or incur any liability against said city for the construction or repair of any sidewalk, except in front of or with respect to public property.

SEC. 4. When application is made to said Board for any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the Board shall investigate the same, and if it determine that such improvement is expedient, it shall so report to the Common Council; and the Common Council shall not order any such improvement until the same has been recommended by said Board. The Board may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by the city, though no application may have been made therefor, and must make, with said recommendation to the Common Council, an estimate of the expense, and in such case the Common Council may order the same done. When said Board shall recommend any work to be done on a street intersection or crossing, where the streets do

not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Common Council with such recommendation.

Sec. 5. Before recommending to the Common Council the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it will take final action upon such resolution. Upon the passage of said resolution, and within ten days thereafter, the Secretary of said Board shall, without any further authority, cause a copy of said resolution to be published in the city official newspaper for a period of ten days. Said Board shall cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work," in letters of not less than one inch in length, and shall, in legible characters, state the fact of the passage of said resolution, its date, and, briefly, the work of improvement proposed, and refer to the resolution for further particulars.

Sec. 6. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in, any lot liable to be assessed for the proposed improvement, may file with the Secretary of said Board his objection to said improvement, stating briefly the grounds thereof; and if at any time within said period of ten days the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the Board shall not recommend the ordering of said improvement, and shall not, within three months thereafter, pass any resolution of its intention to recommend the same, unless prior thereto it shall receive a petition therefor, signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement. Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon said objections. If the Board shall consider that the objections are sufficient, it shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If it shall consider that said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said improvement, and must, with its recommendation, transmit to the Common Council all objections to such recommendation that may have been filed. At the next regular meeting after receiving from said Board its recommendations of such improvement, or at such time within thirty days thereafter to which the hearing thereof by the Common Council may be postponed, the Common Council shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If the Common Council shall consider the objections, or any of them, sufficient, it shall so declare by resolution. If the Common Council consider the objections insufficient, it may, by ordinance, order the work or improvement done. Their action on said recommendation must, in each case, be certified to the Secretary of the Board of Public Works, and the Secretary shall thereupon enter the facts so certified in his records of street work.

Sec. 7. When any work in or upon any public street shall have been completed according to contract, the Board shall make an assessment to cover the sum due for the work performed and specified in said contract, including all incidental expenses, in conformity with the provisions of this article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot, if known to said Board, and if not known the word "Unknown" shall be written opposite the number or letter of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for such work. A mistake in the name of the owner shall not invalidate the assessment.

Sec. 8. After making said assessment said Board shall cause notice thereof to be published for five days, and to be delivered to the occupant of each lot assessed, which notice shall state the day and hour when the Board will at its office take final action upon said assessment. If any of said lots are unoccupied, said notice shall be posted in a conspicuous place upon said lot or lots.

Sec. 9. If the owner of any lot affected by said assessment is dissatisfied with the action of the Board as to said assessment, he may appeal to the Board of Aldermen at any time within five days after such final action by filing with the Secretary of the Board of Public Works a notice of such appeal, and thereupon the Secretary shall, within two days after receiving such notice of said appeal, transmit said assessment and diagram, with said objections and notice of appeal, to the Board of Aldermen, and said Board shall, in not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the Board of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon such assessment, and return said assessment so certified to the Board

of Public Works, and thereupon said assessment shall become final and conclusive. When said assessment shall have so become final and conclusive, it, together with the diagram of the lots assessed, shall be recorded in the book of assessments, to be kept in the office of the Board of Public Works for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said Board, and thereafter the assessment shall be a lien upon the respective lots assessed until the same is canceled or discharged as provided in this article.

SEC. 10. The expense incurred for any work authorized by this chapter, except for such portion of any street as is required by law to be kept in order or repair by any person, company, or corporation having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed in proportion to its frontage at a rate per front foot sufficient to cover the total expense of the work.

SEC. 11. The expense of work done on all street crossings where the streets intersect each other, shall be paid by the city out of the money in the Street Fund.

SEC. 12. The expense of all other work not herein specifically provided for, shall be assessed according to such rules and regulations as the Board of Public Works may have prescribed prior to the recommendation of said work.

SEC. 13. In making an assessment, the Commissioners of Public Works shall act as a Board, and the assessment shall be authenticated by the signatures of all said Commissioners as "Commissioners of the Board of Public Works," and every assessment so authenticated and recorded in the book of assessments shall be prima facie evidence of the correctness and regularity of all proceedings of said Board and of the Common Council prior to the date of such record.

SEC. 14. Upon the recording of an assessment as aforesaid, the President and Secretary of the Board of Public Works shall sign a warrant for its collection, and thereupon said assessment and diagram, with the warrant attached thereto, shall be delivered to the Tax Collector of said city for collection, who shall immediately give notice thereof by publication for ten days. Said notice shall set forth in general terms the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to the Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment.

SEC. 15. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "Paid," together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made. Upon presentation of said receipt to the Secretary of the Board of Public Works, he shall immediately enter upon the records of such assessment the fact and date of such payment.

SEC. 16. After the expiration of thirty days from the first publication of said notice, the assessment therein named shall be delinquent, and within twenty days thereafter the Tax Collector shall, after having published a notice for ten days, sell the lands upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its portion of the costs of advertising said sale. After making such sales the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall forthwith note in the record of said assessment, and opposite to the number of each lot sold, the fact of payment or of the sale of said lot by the Tax Collector, together with the date and the name of the purchaser. Said report of the Tax Collector shall be prima facie evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessments.

SEC. 17. The general revenue law of the State in force at the time of said sale in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

SEC. 18. If, at said sale, no person shall bid the amount of said assessment, with the aforesaid costs, the Tax Collector shall bid in the said lot for the amount of the assessment and costs in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and shall forthwith notify, in writing, the Auditor of such transfer. All moneys received by the Tax Collector, in payment of any of said assessments, shall be by him paid to the Treasurer, who shall place the same to the credit of the Street Fund. And all moneys arising from redemption of property purchased by the city for delinquent street assessments shall be paid into the General Fund.

SEC. 19. When said sale is completed, the contractor shall present his demand for the work done under his contract to the Board of Public Works, which shall act upon the same. If said Board approve said demand, or any part thereof, the same must then be presented to the Auditing Committee, and when audited by the Auditor, shall be paid by the Treasurer out of the Street Fund: *provided*, that at any time before said sale, the Board of Public Works, under such regulations as it may establish, may allow partial payments to be made to the contractor as the work progresses, not to exceed twenty-five per cent of the value of the work done by the contractor at that time.

SEC. 20. The Board of Public Works may, at any time, without any application therefor, recommend to the Common Council to order the planking, paving, or macadamizing of the portion of any street required by law to be planked, paved, or macadamized by the person, company, or corporation having railroad tracks thereon. Upon such recommendation the Common Council may, by ordinance, order such work to be done, and direct said Board to notify said person, company, or corporation of the fact of the passage of such ordinance. The Secretary of said Board shall thereupon forthwith in writing notify said person, company, or corporation of the passage of said ordinance; and if said person, company, or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work, and prosecute the same diligently to completion, said Board of Public Works shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of said Board, the contractor shall be entitled to recover from such person, company, or corporation, the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action the certificate of said Board of the completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto, and of plaintiff's right to recover in said action.

SEC. 21. No ordinance for the improvement of any street, other than for sewers, sidewalks, and curbs, except for the improvement of the streets constituting or lying along the waterfront of said city, and except for such work as is provided for in the last preceding section, shall be passed by the Common Council without extending said improvement throughout the whole width of such street.

SEC. 22. Whenever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places, and courts which have been or may be hereafter dedicated to public use, and whose grade and width has been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets. The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repair of the sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs. The term "main street" shall mean such street or streets as bound a block, and term "street" shall include crossing. The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor. The word "paved" shall include any pavement of stone, iron, wood, or other material which the Council may, by ordinance, order to be used. The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for. All notices and resolutions required in this article to be published shall be published daily, in the city official newspaper, as often as said paper is published. All notices herein required to be served, whether by delivery or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the city official newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

SEC. 23. When any street shall have been graded, paved, or otherwise improved in accordance with the terms of this charter, and the cost of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street unless on the petition of one fourth of the owners of property fronting on said street. Upon the filing of said petition with the City Clerk, the Common Council shall refer the same to the Board of Public Works, which shall determine whether the improvements described would be a public benefit, and shall report its decision to the Common Council. If the report of said Board should favor granting the request of the petitioners, the Common Council shall proceed in the manner hereinafter specified in the chapter on the opening of new streets.

SEC. 24. In all cases where lands in said city shall be hereafter subdivided and laid out into blocks or plats, with lots, streets, and alleys, or when new streets or public grounds shall be laid out, opened, donated, or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map, with said approval, shall then be filed in the office of the County Recorder; and without such approval indorsed thereon no such map or plat shall be filed in the office of said Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street, or be subject to any public improvement or expense without such approval, indorsement, and filing.

SEC. 25. Said Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Common Council; but when the cost and expense of the repairs upon any street or a portion of a street shall exceed the sum of two hundred dollars, exclusive of materials to be furnished from the corporation material yard, the same shall be done under contract, awarded in the manner provided in this article.

Sec. 23. Said Board shall, from time to time, after it shall have been directed so to do by the Common Council, by ordinance, invite proposals for supplying to said city such materials as may be required for the repair of the public streets, or for any improvement thereon, and such proceedings shall be had in awarding the contract therefor as are in this article provided for awarding other contracts.

Sec. 27. The Common Council shall select some place in said city which shall be known as the Corporation Material Yard, wherein shall be kept all material, tools, and implements to be used in cleaning and repairing the streets, or for any improvement thereon. Said yard shall be in charge of the Superintendent of Streets, or such person as the Board of Public Works may designate, who shall have the custody of said tools and materials. He shall keep books of account, showing account of material received, for what purpose delivered, and amount on hand, when requested to do so by said Board.

CHAPTER III.—OF STREET IMPROVEMENT DISTRICTS.

SECTION 1. If the Common Council shall at any time deem it expedient and for the public interest in the matter of street improvements, proceedings may be had as follows:

Sec. 2. Whenever five or more freeholders shall petition the Common Council in writing for the creation of a Street Improvement District, the Common Council may authorize and empower the Board of Public Works to designate, subject to the approval of the Common Council, any portion of the City of San Diego a Street Improvement District. Such Street Improvement Districts shall be numbered from "one" onward, in the order of their creation, and shall be accurately delineated upon the official map of the city by the City Engineer, and such map shall be kept on file, together with separate maps of each Street Improvement District, in the office of the Secretary of the Board of Public Works.

Sec. 3. Whenever twenty-five or more freeholders in any Street Improvement District shall petition the Board of Public Works in writing to have any or all of the streets within such district improved, it shall be the duty of the Board to consider such petition immediately, and to determine the nature and full extent of the improvement or improvements proper to be made; and the Board shall thereupon notify the City Engineer of the nature of the work required to be done, and direct him to prepare detailed estimates of the entire cost of said work. As soon as the estimates of the City Engineer shall be completed, the Board of Public Works shall transmit the same, with its recommendation in the premises, to the Common Council. If the Common Council shall approve the recommendation, it shall, by resolution, authorize the Board of Public Works to make the improvement or improvements. All expenses of such street improvements shall be paid out of the Street Fund, as hereinafter provided.

Sec. 4. If the Common Council shall deem it necessary to incur an indebtedness for street work in any Street Improvement District in excess of the money in the Street Fund applicable to such work, it shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the nature and extent of the improvement or improvements to be made, and the amount of money necessary to be raised annually by taxation for an Interest and Sinking Fund, as hereinafter provided. Such notice shall be published for three successive weeks in the city official newspaper, and no other question or matter shall be submitted to the electors at such election. Every ballot in favor of incurring such indebtedness shall have the words: "Street Improvement—Yes," printed or written thereon, and every ballot against incurring such indebtedness shall have the words: "Street Improvement—No," printed or written thereon. If, upon a canvass of the votes cast at such election, it shall appear that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance, providing for the issuance of bonds of the City of San Diego for the amount of such indebtedness, and for the payment of the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within said city, sufficient to pay the interest on said bonds, as it falls due, and also to create a Sinking Fund for the payment of the principal thereof within a period of not more than twenty years from the time of their issuance. It shall be the duty of the Common Council in each year thereafter, at the time when other city taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes authorized to be levied for city purposes. Such tax, when collected, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

Sec. 5. The bonds issued under the provisions of the foregoing section shall be denominated "Street Improvement Bonds of the City of San Diego, District No. ..." and shall be issued in sums of not less than one hundred nor more than one thousand dollars; they shall be signed by the Mayor and Auditor of the city, and the seal of the city shall be attached thereto. Said bonds shall bear interest, to be fixed by the Common Council, not exceeding the rate of seven per cent per annum.

Sec. 6. The proceeds of the sale of said bonds shall be deposited in the City Treasury to the account of the Street Fund, and placed to the credit of the Street Improvement District for which the bonds were issued, and no payment shall be made from said proceeds, except to pay for the improvements in said Street Improvement District; and before auditing any demand upon said fund the Auditor must have from the Board of Public Works the certificate hereinafter required.

Sec. 7. Whenever the Board of Public Works shall be authorized by the Common Council to carry out street work in any Street Improvement District, the contract or contracts for such work shall be let and entered into as provided in sections fourteen to twenty-two, inclusive, of chapter one of this article.

Sec. 8. The contractor of any street work under this chapter shall upon the completion of his contract present his demand for payment to the Board of Public Works, which shall act upon the same. The Board shall require from the City Engineer and Superintendent of Streets a certificate that the work has been performed according to the specifications and conditions of the contract before allowing any demand. If the Board approve such demand, or any part thereof, the President and Secretary shall so certify, and the demand must then be presented to the Auditing Committee, and, when certified by the Auditor, shall be paid by the Treasurer out of the Street Fund.

Sec. 9. After the street improvements in any Street Improvement District have been completed to the satisfaction of the Board of Public Works, it shall be the duty of said Board to assess the cost thereof upon the property within the Street Improvement District in the following manner, to wit:

First—The Board shall deduct from the total cost of such work the expenses of all improvements in the space formed by the junction of two or more streets, or where one main street terminates in or crosses another main street, and also the expense of all necessary street crossings or crossways. Such expense shall be wholly paid by the city.

Second—The Board shall also deduct the expense of all improvements done in front of any property owned by the City of San Diego or the United States of America. Such expense shall be wholly paid by the city.

Third—The Board shall also deduct the expense of all improvements in the space in any street occupied by the track or tracks of any street car or other railway line, and the space of two feet on each side of said track or tracks. Such expense shall be wholly paid by the person, company, or corporation owning such track or tracks.

Fourth—The Board shall, after making the above provided deductions, divide the sum total of the remainder of the said street improvement expense by the total number of feet of land fronting upon the streets improved (less the frontage of the city and Federal property, and the frontage of all property previously improved and accepted by the city), and shall assess each separate lot or portion of lot fronting thereon for the full amount of its proportion of the expense as herein ascertained and determined.

Sec. 10. The Board of Public Works shall make up a complete statement of the assessment for street improvements in each Street Improvement District, and such statement must show:

First—The nature and extent of the improvements made.

Second—The total cost of the improvements.

Third—The separate deductions and their total sum.

Fourth—The amount remaining after deductions.

Fifth—The total number of front feet (less the frontage of city and Federal property, and the frontage of all property previously improved and accepted by the city).

Sixth—The proportion of expense to each front foot.

Seventh—The amount due by each lot or part of lot.

Eighth—The name or names of the owner or owners of each lot or part of lot assessed; and, where the names cannot, after the exercise of due diligence, be ascertained, the property must be set down to "unknown owners."

The Board of Public Works shall procure suitable blanks upon which the assessment statement herein required shall be made out; said blanks shall be headed "Street Improvement Assessment, District No. —;" and said blanks shall also have space for the certificates of the City Engineer and Superintendent of Streets, that the street work for which the assessment is made has been performed according to contract and specifications, which certificates must be indorsed upon the statement.

Sec. 11. When the street improvement assessment statement herein required has been carefully verified, and properly attested by the President and Secretary of the Board of Public Works, the Board shall transmit certified copies thereof to each Board of the Common Council, and to the Mayor, Auditor, Assessor, Treasurer, and Tax Collector.

Sec. 12. The Common Council, upon receipt of the street improvement assessment statement, shall declare by ordinance its approval of said street improvement assessment, and shall also declare in such ordinance the completion and the acceptance by the city of the street improvements in that district. And all improvements thereafter made in said district in the nature of changes or reconstruction, shall be made at the sole charge and expense of the city; *provided*, that any damage caused to streets or sidewalks by the owners or tenants of property fronting thereon shall be repaired at the expense of the said property by the Board of Public Works, and the expense thereof shall become a lien upon said property, and collection thereof may be enforced by proceedings in the proper Court thereof.

Sec. 13. The ordinance of approval and acceptance, together with the statement of assessment by the Board of Public Works, shall be published in the city official newspaper five successive times; and, upon the completion of such publication, the assessment herein provided for shall become a lien upon the property so assessed until fully paid as hereinafter provided.

Sec. 14. The City Assessor shall keep a proper book for each Street Improvement District, in which he shall record without delay the assessment made against the property therein according to the provisions of this chapter. He shall also record in said book the

certificate of the Mayor, attested by the City Clerk, under the seal of the city, that the successive steps required by this chapter have been duly taken, from the creation of the Street Improvement District up to and including the publication of the ordinance of approval and acceptance.

SEC. 15. Immediately upon the completion of said record of assessment, the City Assessor shall transmit a certified copy of the same to the City Tax Collector, who shall thereupon enter up in a proper book the assessment for street improvements as shown by said record, and shall keep an account of each separate lot or part of lot assessed therein, and of the payment or payments thereon, as hereinafter provided. The Tax Collector shall, within ten days after receiving the record of assessment from the City Assessor, publish a notice in the city official newspaper for thirty successive days, naming the Street Improvement District in which the assessment is due and the boundaries thereof, and streets or parts of streets included therein, and stating that he is ready to receive payment of the same, and the terms upon which payments may be made.

SEC. 16. The owner of any property assessed under the provisions of this chapter shall have the option of making payment of the whole amount or of any portion of said assessment, either immediately or at any time within fifteen years from the date of the final publication of the Tax Collector's notice. Said assessment shall bear interest at the rate of ten per cent per annum until paid; but if the owner of the property shall elect to pay the whole amount of his assessment immediately, he shall be allowed a deduction of seven per cent therefrom. Payment within thirty days from the date of first publication of the Tax Collector's notice shall be deemed immediate payment. Interest upon said assessment shall begin to run thirty days from the date of the first publication of the Tax Collector's notice.

SEC. 17. All receipts given by the Tax Collector for payments on account of street assessments must specify the number of the Street Improvement District, and each particular lot or part of lot on which payment is made, and must be separate and distinct from the general tax receipt; they must always state, where a partial payment is made, the amount still due upon the assessment. When final payment is made, the receipt must be in full satisfaction of the assessment lien; and the Tax Collector must forthwith certify such final payment to the Assessor, who shall immediately enter satisfaction of the lien in his record of assessments for street improvements.

SEC. 18. The Tax Collector must render to the Auditor on the first Monday in each month a statement of all moneys collected by him during the preceding month on account of street improvement assessments in each Street Improvement District.

SEC. 19. All moneys received for principal and interest on account of assessments for street improvements under this chapter shall be paid by the Tax Collector into the City Treasury, and shall be apportioned as hereinafter provided.

SEC. 20. Any assessment for street improvements made under the provisions of this chapter, which shall remain unpaid at the end of fifteen years from the date hereinbefore prescribed, shall be delinquent; and the Tax Collector must publish a notice in the city official newspaper, once a week for three successive weeks, which must state the Street Improvement District in which the assessment is delinquent, and must describe the property assessed, and give the name or names of the owner or owners thereof, where known, and if unknown, must so state, and the amount of principal and interest due, following each name and description, and that unless payment is made thereof he will sell the same at public auction, designating the time and place of sale. Within thirty days from the first publication of said notice the Tax Collector shall sell the land upon which said assessment is delinquent, and he shall add to the amount of the assessment and accrued interest the costs of advertising and sale. After making such sale the Tax Collector shall report the same to the Auditor and Assessor, and shall make due entry of such sale, together with the date and the name of the purchaser. The general revenue laws of the State in force at the time of said sale, in reference to the manner of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption of property so sold, except as in this charter otherwise provided, shall be applicable to all proceedings under this section. If at said sale no person shall bid the amount of said assessment and accrued interest, with the aforesaid costs, the Tax Collector shall bid in the said land for the amount so due thereon in the name of the City of San Diego, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Fund, and credit the same to the Street Improvement District in which the assessment was made, and the Treasurer shall immediately notify the Auditor of such transfer.

SEC. 21. The City Treasurer shall charge against each Street Improvement District all moneys disbursed from the Street Fund for improvements therein, except such as are a charge against the city, or against any person, company, or corporation owning the track or tracks of any street car or other line of railway within such district; and shall credit the district with all moneys received for principal and interest of assessments for street improvements therein. All moneys so received shall be apportioned to the interest and sinking funds for the payment of the street improvement bonds issued in behalf of such district; and if, after such bonds have been fully paid, there shall remain any balance to the credit of the district, it shall be paid into the Street Fund.

CHAPTER IV.—OF THE OPENING OF NEW STREETS.

SECTION 1. When an application shall be made to the Common Council to straighten, widen, extend, or change the grade of any established street, or for laying out, opening, or establishing new streets or boulevards, signed by one fourth of the owners of frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, the Common Council shall refer the same to the Board of Public Works, which shall determine whether in its judgment the said improvement, or any modification thereof, would be a public benefit, and shall report its decision to the Common Council. If the Common Council shall determine that the improvement described in the petition, or some modification thereof, would be of public benefit, it shall, by resolution, so instruct the Board of Public Works, giving in its resolution a general description of any modification it may deem expedient. The Board of Public Works shall then proceed to determine and define the lands to be taken, and the lands, if any, to be damaged by the proposed improvement, and the lands to be benefited and assessed for the expenses thereof. It shall, by resolution, define the lands necessary to be taken, and the lands, if any, to be damaged, and shall specify the exterior boundaries of the district to be benefited and assessed therefor. The Board shall, thereupon, publish for twenty days notice of the passage of its resolution, and requiring all persons interested in the lands to be taken or damaged, or in the district to be benefited, to present to the Board, within the said twenty days, accurate descriptions of the lots or parcels of land owned by them respectively, and to specify objections, if any they have, against the proposed improvement. Within ten days after said publication, or such further time as the Common Council may, by resolution, allow, the Board of Public Works shall, with the assistance of the City Engineer, cause to be prepared and presented to the Common Council a report of its action, embracing an accurate description of each lot, piece, or parcel of land necessary to be taken or damaged, with the names of the persons to whom the several lots, pieces, or parcels of land are respectively assessed upon the assessment roll of said city, and also a description of the exterior boundaries of the district to be benefited, and make a map clearly exhibiting the same as described. The City Engineer shall have the right, if necessary, to enter upon any of the said lands for the purpose of examination or survey. Upon receiving the said report from the Board of Public Works, the Common Council shall, by resolution, adopt or modify the proposed improvement, and the district to be benefited thereby, or wholly reject the same. In case of modifying the same, the matter shall be referred back to the Board of Public Works until the proposed improvement, and the district to be benefited thereby, shall conform to the views of the Common Council; and the Common Council shall then pass a resolution declaring its intention to make the improvement and assessment for benefits. The resolution shall embody the descriptions as finally reported by the Board of Public Works, and the names of the owners of the several parcels of land, as reported by the Board. The resolution shall also specify a time within which objections to the proposed improvement may be made to the Common Council by owners of the land to be taken, or damaged, or of the lands to be assessed for benefits, and a day for the hearing of such objections. The said resolution must be published for fifteen consecutive issues of the city official paper, during which time the owners must file their objections. On the day set for the hearing, or upon any day to which the same may be adjourned, the Common Council shall hear and pass upon the objections, and may dismiss the proceedings, or by ordinance resolve to proceed and order the improvement to be made. The ordinance by which the Common Council resolve to proceed with the improvement, may refer to the resolution declaring its intention to make the improvement by its number without embodying the description, and shall order the improvement to be made by the Board of Public Works. The Common Council shall forthwith transmit to the Board of Public Works a copy of the said ordinance, and of the resolution to make the improvement.

SEC. 2. Upon receiving the said copy of ordinance and resolution, the Board of Public Works shall, with the aid of the City Attorney, ascertain as accurately as possible the names of the owners to be made parties, and shall cause proceedings to be taken in the name of the city to condemn as provided by law, under the right of eminent domain, the lands, or any interest therein to be taken or damaged for the said improvement. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings hereinbefore provided for; and the resolution and ordinance adopting and ordering the work to be done shall be conclusive evidence of such necessity. As soon as the amounts to be paid for the lands to be taken and the lands to be damaged shall, by the said proceedings, be finally ascertained and determined, the Board of Public Works and the Common Council shall proceed, as hereinafter provided, to apportion and collect the same by assessment upon the district to be benefited by the improvement.

SEC. 3. The Board of Public Works shall ascertain and determine as nearly as may be the entire cost of the improvement, including value of the lands, cost of condemnation, and expenses of all kinds attending the proceeding, and shall apportion and assess the whole amount of such value, costs, and expenses upon the property within the district declared by the resolution of the Common Council to be benefited by the improvement, and shall assess each lot or parcel of land within the said district with its proportionate share of said amount, according to the benefits derived by it, in the judgment of the Board, from the said improvement.

SEC. 4. Within thirty days after the final determination of the amount to be paid, as aforesaid, or such further time as may be allowed by resolution of the Common Council,

the Board shall make and hold, subject to inspection in their office, a report of assessments, exhibiting the sum of money to be paid to the owner or owners of each parcel of land to be taken or damaged, stating the names of the owners, as far as they can be ascertained, and describing accurately the several parcels of land within the district to be benefited, and the names of the owners thereof, as far as can be ascertained, and where the owners are unknown, stating the fact, but a mistake in the name or ownership shall not invalidate the assessment, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof.

SEC. 5. Upon the completion of the said report the Board shall fix a day for hearing objections thereto, and shall give notice of such hearing by publication for not less than fifteen days.

SEC. 6. Upon the day fixed for the hearing, or upon any day or days to which the hearing shall be regularly adjourned by entry in its minutes, the Board shall hear any party interested upon any question touching the justice or equality of the assessment, or the regularity of its proceedings, and may confirm, or revise and modify the said assessment until it shall be adjudged to be fair and equal; and it shall then adopt such a report of assessments as it adjudges to be fair and equal, and transmit the same to the Common Council.

SEC. 7. The Common Council shall by ordinance confirm the report of the Board of Public Works, and order the completion of the improvement in accordance therewith, or it may, by resolution, refer the same back to the Board of Public Works, with instructions to modify the assessments, until it shall, by ordinance, finally adopt and establish such assessment as it shall adjudge to be fair and equal, and order the completion of the improvement in accordance therewith.

SEC. 8. This ordinance shall accurately describe the several parcels of land assessed, giving the names of the respective owners, as far as the same have been ascertained, and where the owners are unknown, stating the fact, and the sum of money which is assessed upon each particular parcel, and which should be paid by the owner thereof; but it may refer to the report of the Board of Public Works for description of the lands to be taken or damaged by the improvement. The ordinance shall direct the sale of each parcel of land so assessed, or so much thereof as may be necessary to pay the amount of its assessment and expenses of sale, and the application of the proceeds of such assessment and sale to the payment of the expenses of sale, and the amount awarded to the owners of the lands to be taken or damaged by the said improvement.

SEC. 9. A copy of the ordinance shall be forthwith transmitted to the Board of Public Works for collection of the assessments. The said Board shall cause the ordinance to be published for thirty days, during which time the several owners may make payment to the Board of Public Works of the several amounts assessed against their lands, and the Board of Public Works shall, by notice, invite such payment.

SEC. 10. After the expiration of said thirty days the Board of Public Works shall prepare a delinquent list, exhibiting, by accurate description, the several parcels of land so assessed, upon which the assessments have not been paid, and the names of the owners of said parcels, as far as ascertained (and where the owners are unknown, stating the fact), and the amounts for which they are respectively assessed, and shall forthwith transfer the said delinquent lists, certified by the Secretary of the Board, to the Tax Collector, who shall proceed to collect the amounts appearing due thereon by sale, as in case of the collection of delinquent taxes, and pay over immediately to the Board of Public Works the amounts so collected. The deed of the Tax Collector made after such sale, in the case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor.

SEC. 11. The moneys coming into the Board of Public Works from the said assessment shall be applied by the said Board to the payment of the expenses of the assessment and of the several amounts determined to be due as compensation and costs for the lands taken or damaged, by payment into Court on behalf of the owners. Upon such payment being made, the title to the lands, or the interests therein, or the easement therein condemned, shall vest in the City of San Diego for the uses and purposes specified in the said improvement, and the Board of Public Works shall take possession of the same, and cause said improvement to be carried out and completed.

CHAPTER V.—OF THE SEWERAGE SYSTEM.

SECTION 1. The Board of Public Works shall assume the management and control of the present sewerage system of this city, and shall from time to time make such recommendations to the Common Council, relating to the extension or improvement of said system, as they may deem proper.

SEC. 2. Said Board shall prescribe the location, form, and material to be used in the construction and repair of all public sewers, manholes, sinks, cesspools, or other appurtenances belonging to the sewer system, and of every private sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. Before any public sewer shall be contracted for or built, the City Engineer shall cause to be prepared the necessary plans for the work, and a profile showing the grades of the street and sewer, and the depth of such sewer below the surface of the street, and the height above mean high water mark as established by the United States Coast Survey and

used as the city datum; and when such sewer is completed, he shall cause a map to be prepared showing the size and location of manholes, basins, and branches for house connections and other appurtenances.

SEC. 4. No person shall connect with or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board in reference thereto.

SEC. 5. No person shall connect with any public sewer any private sewer or drain laid for surface, roof, or yard drainage.

SEC. 6. Exhaust from steam engines, blow-off from steam boilers, or water above one hundred and forty degrees Fahrenheit in temperature, shall not be discharged in any public sewer, or private sewers or drains connecting with the same.

SEC. 7. Said Board shall recommend to the Common Council such other rules and regulations concerning the public and private sewers and drains in said city, and upon recommendation of said Board, the Common Council are authorized to pass an ordinance establishing the same, and prescribing the penalties for any violation thereof.

SEC. 8. The Board of Public Works may appoint a Superintendent of Sewers, whose duty it shall be to see that all ordinances passed by the Common Council, and all rules and regulations established by the Board of Public Works, relating to sewers, are rigidly enforced.

SEC. 9. The Common Council may, upon the recommendation of said Board, by ordinance passed by the affirmative vote of two thirds of each Board, authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer, or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city.

SEC. 10. Said Board may, with the like approval of the Common Council, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owner for the purpose of such improvement, and for the perpetual use of said real estate for such purpose.

SEC. 11. Said Board may, when authorized by ordinance of the Common Council, construct such sewers, reservoirs, and pumping works on lands and made lands fronting on the Bay of San Diego, as may be necessary to carry out the general system of sewerage for said city.

SEC. 12. When, upon the recommendation of said Board of Public Works, the Common Council shall determine upon any improvement for the purpose of sewerage or drainage, which necessitates the acquisition or condemnation of private property, and said Board is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Common Council, expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is provided in this article for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER VI.—OF WATER COMMISSIONERS.

SECTION 1. If at any time the city shall become the owner of any water supply, or shall decide to construct a system of water supply, the Mayor shall appoint three citizens of the city to be Water Commissioners, no more than two of whom shall belong to the same political party, subject to confirmation by the Board of Delegates. And they shall hold their office for the term of three years; *provided*, that when first appointed they shall be appointed for one, two, and three years, to be designated in the notice of appointment by the Mayor. Their compensation or salary shall be fixed by ordinance by the Common Council. One of said Commissioners shall be a duly qualified engineer, whose compensation shall be made accordingly.

SEC. 2. The Water Commissioners shall have full control and management of the water system of the city and the collection of the revenue therefor, under such regulations, by ordinance, as the Common Council may from time to time enact. But the fixing of water rates shall remain in the Common Council. All contracts for work and materials shall be made by said Commissioners in the manner provided in this charter for the Department of Public Works. And all payrolls and all accounts for the same shall first be passed upon by the Commissioners, who shall certify them to the Auditing Committee.

CHAPTER VII.—OF THE CITY PARKS AND PLAZAS.

SECTION 1. All parks, boulevards, plazas, squares, or other public grounds now open and dedicated to the public use, or which may hereafter be opened or dedicated to public use, shall be under the control and management of the Board of Public Works, with power to lay out, regulate, and improve the same, subject to ordinance passed by the Common Council.

SEC. 2. Said Board may appoint a Superintendent of Parks, whose duty it shall be to see that the ordinances of the Common Council and the rules of the Board of Public Works are enforced, and to perform such other duties relating to parks, etc., as may be required of him by the said Board.

CHAPTER VIII.—OF THE HARBOR AND WHARVES.

SECTION 1. The Common Council shall, unless otherwise prescribed by the laws of the State, exercise control and management of the harbor and waterfront of the City of San Diego, and shall by ordinance establish such rules and regulations as shall prevent any encroachment upon the tidal area of the same.

SEC. 2. The construction of all wharves which may be built by the city, and all repairs on the same, or other work done on the waterfront by the said city, shall be performed by the Board of Public Works, after proceedings had in the manner and form prescribed for the construction, improvement, or repair of public buildings.

SEC. 3. The Common Council shall, by ordinance, regulate the tolls for wharfage, dockage, and other charges, and provide for the regulation of berths and landing of all steamers, sail vessels, barges, or other water craft, and shall exercise such other control not herein specified as may not be inconsistent with the laws of the United States and of the State of California.

CHAPTER IX.—OF CEMETERIES.

SECTION 1. There shall be a Cemetery Commission, consisting of three members, to be appointed by the Mayor, with the approval of the Board of Delegates, from among the qualified electors of the city, and they shall hold office for four years.

SEC. 2. Immediately upon their appointment they shall elect a President and Secretary from among their number, and so classify themselves that one of their number shall go out of office in two years, one in three years, and one in four years.

SEC. 3. Said Commission shall exercise a general supervision of the cemeteries of the city, but their duties shall especially consist in the entire control and management of Mount Hope Cemetery. All moneys derived from the sale of lots, and all fees coming into their hands as such Commission, shall be held in trust to be expended as may be deemed advisable by them for maintaining, beautifying, and improving said grounds.

SEC. 4. The said Commission may appoint a Superintendent and such other employes as may be necessary to carry into effect the provisions of this chapter, and may remove or suspend from office said Superintendent or other employes when they may deem proper.

SEC. 5. The members of said Board shall serve without compensation, and shall make a semi-annual report to the Mayor.

ARTICLE VI.

DEPARTMENT OF FINANCE.

CHAPTER I.—OF REVENUE AND TAXATION.

SECTION 1. On or before the first Monday of April in each year the Auditor shall prepare and transmit to the Common Council, accompanied with the estimates and reports of each department, which he shall require to be delivered to him from the heads of each department on or before the twentieth of March in each year, an estimate of the probable necessities of the city for the current fiscal year, giving the amount required to meet the Interest and Sinking Funds for any and all outstanding bonded debts, together with the amount needed for salaries and probable wants of all the departments of the Municipal Government in detail, and showing the necessities of each of the several funds to be provided for in the treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the treasury, and be collected from fines, licenses, and all other sources of revenue, exclusive of tax upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in the city in order to meet the necessities of such fiscal year, said estimates to be based upon, where practical, the resources and expenditures of the preceding fiscal year; and, at the same time, the Auditor shall also report to the Common Council the balance on hand in each fund.

SEC. 2. The Common Council shall, on or before the second Monday of May in each year, by ordinance, fix the rate of taxes to be levied, and levy the taxes upon all taxable property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the different departments of the municipal government for the current fiscal year; *provided*, that the rate of taxes so levied shall not exceed in any year ninety cents for each one hundred dollars upon the assessment roll, except for the payment of the principal and interest of the bonded debt of the city.

SEC. 3. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes, and the redemption of property sold for taxes, shall be made in the same manner and with like effect as now or may be hereafter provided by law for the assessment of property, the equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for State and county purposes and redemption thereof; and all provisions of law applicable to such assessments, equalization, levy, collection, and sale for State and county purposes, are hereby applied to and shall be the law governing such assessments, equalization, levy, collection, and sale for municipal purposes; and the respective officers of the city shall have, possess, and perform the same powers and duties, in all matters concerning revenue and taxation for municipi-

pal purposes, as are or may be by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end—

First—All powers and duties so by law conferred or imposed upon the County Assessor are hereby imposed and conferred upon the City Assessor.

Second—All powers and duties so by law conferred or imposed upon the Board of Supervisors are hereby conferred or imposed upon the Common Council and its constituted committees.

Third—All powers and duties so by law conferred or imposed upon the District Attorney are hereby conferred and imposed upon the City Attorney.

Fourth—All powers and duties so by law conferred or imposed upon the County Tax Collector are hereby imposed and conferred upon the City Tax Collector.

Fifth—All powers and duties so by law conferred or imposed upon the County Treasurer are hereby conferred and imposed upon the City Treasurer.

Sixth—All powers and duties so by law conferred or imposed upon the County Clerk and County Auditor, respectively, are hereby conferred and imposed upon the City Clerk and City Auditor, respectively.

SEC. 4. It shall be the duty of the City Assessor to prepare between the first day of January and the first day of April, in each year, and present to the City Clerk, with his certificate of its correctness, a roll of the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment roll shall conform, as near as practicable, when not inconsistent with the provisions of this charter, to the assessment roll required by law to be made by the County Assessor for State and county purposes; *provided*, that he must exact from each person a statement, under oath, setting forth specifically all the real and personal property owned by such person, or in his possession, or under his control, at twelve o'clock m. on the first day of January in each year; such statement shall be in writing and conform, as near as practicable, to the provisions of section three thousand six hundred and twenty-nine of the Political Code of the State of California. The Assessor must be present at the sessions of all Boards of Equalization mentioned in this chapter, and furnish to said Board such information as may be required, and perform such other services in reference to the assessments of property in the city or otherwise appertaining to his office, as the Common Council, by ordinance or resolution, may require. During the session of the Board of Equalization the Assessor shall enter upon the assessment roll any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and receive therefor the same fees; *provided*, that all railway property situated within the city, the value and assessment of which is fixed by the State Board of Equalization, as required by section three thousand six hundred and sixty-five of the Political Code of this State, shall be assessed for taxation purposes within the city, at the amount of assessment as fixed by said Board; and whenever in October of each year, as by law required, the Board of Supervisors of San Diego County shall transmit to the Common Council a copy of its order stating and declaring the assessed value of such railway lying within the city, the Common Council shall direct the City Clerk to record said order in its journals of proceedings, and said Clerk shall, on the first Monday of January in each year, furnish the City Assessor with a certified copy of such order so recorded, and said Assessor must enter said certified copy in and upon the assessment roll of the then fiscal year, and extend the value in accordance therewith, which value shall be the assessment of such railway property for taxation purposes for the said fiscal year.

SEC. 5. For taxation, assessment, and all other purposes, the fiscal year shall begin on the first day of January.

SEC. 6. The terms "real" and "personal property," as used in this charter, shall have the same meaning as the same terms used in the revenue laws of this State; and all property subject to taxation aforesaid shall be assessed at its full cash value, which, in the judgment of the Assessor, it has at twelve o'clock m. on the first day of January, and the lien of the annual city tax levy shall attach at said hour.

SEC. 7. The Assessor must make the abstract of mortgages, etc., which stand of record unsatisfied at twelve o'clock m. on the first day of January, in manner as provided in section three thousand six hundred and seventy-eight of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the Assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

SEC. 8. A committee of the Common Council, selected as in this charter provided, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment roll to the City Clerk, and after five days' notice published in the official newspaper of this city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such roll; *provided, however*, that before raising any assessment, the Board shall notify the person interested by letter deposited in the Post Office or express, postpaid, and addressed to such person at least three days before action taken, of the day fixed when the matter will be investigated. Any member of said Board shall have power to administer oaths and affirmations in the matters before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks, and no longer.

SEC. 9. Within three days after the Board of Equalization shall have completed their duties, the City Clerk must deliver to the Auditor the assessment roll so equalized, with all changes and corrections made by the Board of Equalization entered therein, and accompany the same with his affidavit, as provided in section three thousand six hundred and eighty-two of the Political Code of California, and said Auditor shall add up the columns of valuation, and enter the total valuation of each description of property in the roll, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the Common Council. As soon as the Common Council have declared and levied the taxes, in any year as in section three provided, the City Auditor shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes as shown by the list; and as thus carried out, the Auditor shall certify to its correctness, and on or before the first Monday of June thereafter deliver it to the City Tax Collector, and shall charge him with the amount of taxes so footed up, and take his receipt therefor.

SEC. 10. The annual tax levied as hereinbefore provided shall become due and payable on the first Monday of June of each year, and all persons paying such tax between said first Monday and the first day of July following, shall be entitled to a deduction of five per cent upon the total tax paid by them; and all persons so paying said tax between the first days of July and August of each year, shall be entitled to a deduction of three per cent upon total tax paid; and all persons so paying said tax between the first days of August and September of each year, shall be entitled to a deduction of two per cent upon total tax paid; and all persons paying such tax between the first days of September and October of each year, shall be entitled to a deduction of one per cent upon the total tax paid; all persons paying such tax between the first day of October and the fourth Monday in November, shall pay the full tax as levied, and upon the fourth Monday in each November, at six o'clock P. M., all unpaid taxes are delinquent, and the Tax Collector must then collect for the use of the city an addition of five per cent.

SEC. 11. The Tax Collector, on receiving the assessment roll, certified by the Auditor, shall give notice by publication in the city official newspaper that city taxes are payable, when and where the same can be paid, and set forth in said notice the full wording of the preceding section relative to deductions, and also state when such taxes will become delinquent; said notice shall be published within three days after the receipt of said roll, and be published in each issue of said paper for the period of thirty days; and said Collector shall proceed at once to collect the taxes specified in said roll, allowing the deduction mentioned in the preceding section, and pay the same over to the City Treasurer monthly, taking his receipt therefor.

SEC. 12. On the second Monday in December of each year the City Tax Collector must deliver to the City Auditor a complete delinquent list of all persons and property then owing taxes; and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll, and relating to delinquent persons or property; and shall at the same time make a statement to said Auditor under oath, showing:

First—All moneys collected by him on account of property tax between the first Monday in June and first day of July.

Second—All moneys so collected between July first and August first.

Third—All moneys so collected between August first and September first.

Fourth—All moneys so collected between September first and October first, and shall file with the Auditor the Treasurer's receipts for such moneys and take the Auditor's receipt therefor.

SEC. 13. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and also credit the Collector with the reductions allowed taxpayers in section ten, as ascertained by and from the sworn statement of the Collector and Treasurer's receipts filed as provided in the preceding section, and make a final settlement with him of all taxes charged against him on the assessment roll.

SEC. 14. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the five per cent added thereto, and within three days thereafter deliver the list, duly certified, to such Tax Collector.

SEC. 15. On or before the first Monday in January of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property, added to taxes on real estate where the real estate is liable therefor, or the several taxes are due from the same person. The said list must be appended, and with it published a notice that unless the taxes delinquent, together with the costs and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the City Collector's office, and not less than twenty-three nor more than twenty-eight days from the first publication.

SEC. 16. Said list must be published once a week for three consecutive weeks in the city official newspaper or supplement thereto, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of

the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in said newspaper, or a supplement thereto, stating its name and place of such publication, and the date of each appearance; such affidavit shall be prima facie evidence of all the facts therein stated.

SEC. 17. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and five per centum added thereto, fifty cents on each lot, piece, or tract of land, separately assessed, and on each assessment of personal property, which must go to the city.

SEC. 18. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, the Tax Collector, between the hours of ten o'clock A. M. and three o'clock P. M., must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

SEC. 19. He may postpone the day of commencing the sale, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

SEC. 20. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including fifty cents for the duplicate certificate of sale, is the purchaser. But in case there is no purchaser in good faith for the same, as provided, on the first day that the property is offered for sale, then when the property is offered thereafter for sale and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the City of San Diego as the purchaser, and a duplicate certificate delivered to the City Auditor, and filed by him in his office, and a like certificate filed in the office of the City Clerk. No charge shall be made for the duplicate certificate when the city is a purchaser; and in such case the Tax Collector shall make an entry, "Sold to the city," on the delinquent list, opposite the tax giving number of certificate of sale, and he shall be credited with the amount of such tax in his final settlement with the Auditor; a redemption from the sale to the city above provided may be made by any person in interest in the same manner as provided by law for redemption of land sold to the State for State and county taxes; *provided*, that the estimate for such redemption must be made by the City Auditor, instead of County Auditor, and the receipt for money paid for such redemption must be given by the City Treasurer, instead of County Treasurer; and upon the production of such receipt and estimate the City Clerk shall write upon the proper certificate, as filed in his office, the word "Redeemed," giving date, and by whom redeemed. The Auditor's fee for such estimate shall be two dollars; the Clerk shall receive no fee for marking certificate redeemed. The Auditor's fee, as herein provided, as well as the amount required to redeem, shall be paid to the Treasurer by the person redeeming; and said fee shall be apportioned to the Salary Fund of the city.

SEC. 21. After receiving the amount of the taxes and costs, the Tax Collector must make out in duplicate a certificate dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid thereon, the name of the purchaser, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

SEC. 22. The certificates must be signed by the Collector and one copy delivered to the purchaser, and the other filed in the office of the County Recorder of San Diego County.

SEC. 23. The Tax Collector, before delivering any certificate, must in a book enter the description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the descriptions on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

SEC. 24. On filing the certificate with the County Recorder, the lien of the city vests in the purchaser, and is only divested by the payment to him or to the City Treasurer, for his use, of the purchase money and fifty per cent thereon.

SEC. 25. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of the purchase; and until a tax deed is applied for in the manner prescribed by section three thousand seven hundred and eighty-five of the Political Code of California.

SEC. 26. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that required of the Collector. On the presentation of the receipt of the person named in the certificate or of the City Treasurer for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," the date, and by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

SEC. 27. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser, or assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall collect from the purchaser three dollars for making such deed; *provided, however*, that no such deed shall be made until the notice is given that a tax deed will be applied for, and such notice duly served as prescribed in section three thousand seven hundred and eighty-five of the Political Code of California, relating to

property sold for State and county taxes. Whenever any property is sold to the city it shall not be necessary to post or serve any notice as required under the provisions of this section, but the city shall be entitled to a deed at any time after the term for redemption has expired, whenever called for by resolution of the Common Council: *provided*, that in all cases where the city has received a deed the right to redeem shall be continued as provided in section three thousand eight hundred and seventeen of the Political Code.

SEC. 28. The matters required by section twenty-one to be recited in the certificate of sale must be substantially recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that:

First—The property was assessed as required by law.

Second—The property was equalized as required by law.

Third—The taxes were levied in accordance with law.

Fourth—The taxes were not paid.

Fifth—At a proper time and place the property was sold, as prescribed by law, and by the proper officer.

Sixth—The property was not redeemed.

Seventh—The person who executed the deed was the proper officer.

Eighth—Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

SEC. 29. Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

SEC. 30. The assessment roll, or delinquent list, or a copy thereof certified by the City Auditor, showing unpaid taxes against any person or property, is *prima facie* evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the terms of law in relation to the assessment and levy of such taxes have been complied with.

SEC. 31. On the third Monday of March, in each year, the Tax Collector must attend the office of the Auditor with the delinquent list, and the Auditor must then carefully compare the list with the assessments of persons and property not marked "Paid" on the assessment roll, and when taxes have been paid, must note the fact in the appropriate column in the assessment roll. The Auditor must then administer to the Tax Collector an oath, to be written and subscribed in the delinquent list, that every person and all property assessed in the delinquent list on which taxes have been paid, either by sale for taxes or otherwise, has been credited in the list with such payment. The Auditor must then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount, together with the five per cent thereon, and have a final settlement with him; and the delinquent list must remain on file in the Auditor's office.

CHAPTER II.—OF FINANCIAL ADMINISTRATION.

SECTION 1. There is hereby created an Auditing Committee, which shall consist of the Mayor, President of the Board of Aldermen, President of the Board of Delegates, City Attorney, and Auditor. The Mayor shall be Chairman of this committee, the Auditor shall be Secretary of the same, but in the absence of either at meetings of the committee, a temporary Chairman and Secretary can be chosen by the committee to act. The Auditing Committee shall hold stated meetings once in each month, and can adjourn from time to time. It shall be the duty of this committee to examine, allow, and order paid, or reject and disallow all claims, demands, and bills of whatever nature (except monthly salaries of city officers, as fixed by this charter), which may be presented against the city, and the Auditor shall not draw a warrant for any bill unless the same has been approved by a majority of the whole Auditing Committee. Three members of this committee shall constitute a quorum for the transaction of business, but a less number can meet and adjourn from time to time.

SEC. 2. All demands, bills, and claims which may arise against the city, including the payroll of all employes of the city, whether under regular monthly salary or not (except salaries of city officers as fixed by this charter), shall be duly verified as hereinafter provided, and be filed with the Secretary of the Auditing Committee, who shall file and number the same in the order of presentation, and refer the same to the Auditing Committee for action, whose duty it shall be to allow or reject the same, in whole or in part, and if allowed, designate the particular funds from which they are to be paid, and indorse upon the back of each bill the date of its allowance or rejection, the amount allowed for, and also the section of the charter, number of ordinance, number of contract, resolution, or order under which the said bill or demand was authorized or contracted for. These indorsements to be verified by the signatures of the Chairman and Secretary of the committee.

SEC. 3. All demands, bills, and claims against said city shall be made out in the following form, and subscribed and sworn to before the Auditor, or some officer authorized to administer oaths, to wit:

City of San Diego, To ———
Assigned to ———.

Dr.

	Dollars.	Cents.
To sundries as per items attached	-----	-----

STATE OF CALIFORNIA, }
COUNTY OF SAN DIEGO, } ss.
City of San Diego. }

—, being duly sworn, says: That the foregoing account is a correct, legal, and true claim against said city for the full amount for which the same is presented, and the items therein contained were furnished to said city; that the said amount, accrued as set forth therein, is due, and no part of the same has been paid.

Subscribed and sworn to before me, this — day of —, 18—, —, Auditor.
—, Deputy.

Which bill must be accompanied by a detailed statement of items, which shall be attached thereto and made a part thereof.

SEC. 4. The Secretary of the Auditing Committee shall attend all meetings of said committee and keep a correct record and journal of the proceedings of the committee.

SEC. 5. The Auditor, in addition to all other duties imposed upon him, shall apportion all moneys paid into the treasury of the city, in accordance with the annual tax levy and ordinances of the city imposing and apportioning license taxes, fines, etc., and draw all warrants upon the treasury for salaries as fixed by the charter, and for all demands and bills as allowed and ordered paid by the Auditing Committee. He shall keep a cash book, which shall show at all times the amount of moneys received into the treasury, by whom paid in, and on what account, and show all moneys paid out, giving number and date of warrant paid, and show the balance of cash in the treasury. He shall keep in ledger form a just and correct account with the various funds of the city, and shall, on or before the tenth day of each month, submit to the Common Council, by filing with the City Clerk, an abstract of his accounts with said funds for the preceding month, which shall show the numbers and dates of warrants drawn upon said funds, the amounts thereof, the names of the parties receiving the same, and whether for labor or material furnished, the balances of cash in each fund, and shall show the amount of moneys received into and paid out of the treasury during said month, which abstract and statement must be subscribed and sworn to by said Auditor. The Auditor shall also keep a registry of all bills, claims, and demands which are filed with him as Secretary of the Auditing Committee, which shall be in the following form:

REGISTER OF BILLS PRESENTED.

Date Presented.	No. of Bill	Name.	Assigned to.	Amount	Date Allowed	No. of Warrant	Fund Drawn Upon	Date Rejected	Remarks
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
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The Auditor shall also keep a warrant book, from which all warrants must be issued, said book to contain stubs to all warrants issued, giving the number, date, amount, to whom, upon what fund, and for what said warrants are drawn, and said warrants shall be numbered, commencing with each fiscal year, from "one" up.

SEC. 6. The Auditor shall issue all licenses to the Tax Collector, and for that purpose shall keep license books from which to issue such licenses, said books to contain stubs to all licenses issued, which shall show the number of each license issued and the amount, and he shall charge such Collector with the licenses so issued; and shall, monthly, have a settlement with the Tax Collector on account of same, giving said Collector credit for all

licenses unsold and returned; and for moneys paid into the treasury on account of licenses sold.

Sec. 7. The Auditor and his bondsmen shall be jointly, severally, and personally responsible and liable for any damage resulting to the city on account of any illegal or fraudulent claim for which a warrant may be issued.

Sec. 8. The City Treasurer shall, in addition to all other duties imposed upon him, keep like cash and book accounts, and ledger accounts, as required to be kept by the Auditor, and shall make reports to the Common Council on the tenth days of March and September, in each year, of all moneys received into and paid out of the various funds of the city. The Treasurer shall, on the first Monday of August, December, and April, of each year, transmit to the Auditor a full statement under oath showing the full amount of taxes, percentage, interest, and costs received by him on account of redemption of property sold to the city on account of taxes, and also show the amount of Auditor's fees on account of same which he has received. The Auditor, upon receiving such statement, shall forthwith apportion said amounts to the various funds in accordance with the tax levy of the then fiscal year, except the Auditor's fees, which shall be apportioned to the Salary Fund, and also excepting the percentage and costs, which shall be apportioned to the General Fund, and a statement of this apportionment shall be filed with the Treasurer, and the Treasurer shall forthwith cover said moneys into the treasury, and receipt to the Auditor for the same. The Treasurer shall keep a book in which he shall enter all warrants paid by him, showing the numbers and amounts; this book shall be known as the "Paid Warrants Book." On the first day of each month the Treasurer shall turn over to the Auditor all warrants paid by him during the preceding month; the Auditor and Treasurer shall carefully compare the warrants so turned over with the entries upon the "Paid Warrants Book," and if satisfied that the same are correct as entered in said book, the Auditor shall receipt to the Treasurer for said paid warrants by writing his receipt thereon in said book immediately following the month's entry of such warrants. Upon payment of any warrant the Treasurer shall cancel the same by stamping upon its face the word "Paid" in bold capital letters, followed by date of payment. The Treasurer shall issue receipts in duplicate to all persons paying money into the treasury, one of which receipts must forthwith be filed with the Auditor.

Sec. 9. The following funds are hereby established:

1. "Fire Department Fund," upon which all warrants must be drawn for Fire Department supplies and expenses whatsoever.
2. "Salary Fund," from which all salaries of city officers and their deputies, including regular policemen, must be paid.
3. "Police Department Fund," from which must be paid all expenses of the Police Department, except salaries of regular policemen.
4. "Street Fund," from which must be paid all expenses for street repairs, street sprinkling and cleaning, highway and bridge repairs, and all other street improvements not otherwise provided for in this charter.
5. "Harbor and Wharf Fund," from which must be paid all expenses for wharf building and repairs, and for all harbor improvements.
6. "Sewer and Drainage Fund," from which all expenses for sewer and drainage construction and repairs must be paid.
7. "School Fund," from which must be paid all salaries of teachers in the city public schools, and all expenses of such schools, together with all expenses of repairs to school buildings, school furniture, and other necessary expenditures by the Board of Education, including the erection of school buildings and purchase of sites therefor.
8. "Street Light Fund," from which must be paid all sums for lighting the city by electric light, gas, etc.
9. "Park Improvement Fund," from which must be paid all expenses for park and boulevard improvements, such as construction and building of drives, boulevards, and planting of trees and other improvements.
10. "Public Health Fund," from which must be paid all expenses of the Health Department, including scavengers, and all expenses in disposing of garbage, etc.
11. "Library Fund," from which must be paid all expenditures made and ordered by the Board of Library Trustees of the San Diego Public Library.
12. "Public Building Fund," from which all expenditures for public buildings of the city (other than school buildings) must be paid.
13. "Office Fund," from which all expenditures for furniture, fuel, stationery, books, etc., furnished to the city officers and departments must be paid.
14. "General Fund," from which must be paid appropriations and general expenses not payable from other funds.

The Common Council may from time to time establish such other funds as they may deem necessary, and shall establish and continue in force all Interest Funds, Bond Funds, Bond Redemption Funds, and all other funds now or hereafter established for the payment of all interest upon, and the payment of all bonded indebtedness of said city; and the percentage of each annual tax levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned to said several funds accordingly; and no transfer shall be made from one fund to another except as otherwise provided in this charter, unless by a vote of the Common Council, by ayes and noes, recorded in the journals of proceedings; and in no case shall any moneys be transferred from the School Fund or Library Fund to any other fund. The Common Council shall by ordinance determine and designate to what funds shall be apportioned all moneys arising from the levy of all license

taxes in the city; *provided*, that none of such moneys shall be apportioned to either the School Fund, Library Fund, or to any of the Bond Funds, Interest Funds, or Bond Redemption Funds of the city.

SEC. 10. All moneys arising from fines imposed and collected under the city ordinances shall be apportioned and paid into the following funds of the city: one half thereof to the Police Department Fund and the other half into the Street Fund.

SEC. 11. All officers of the city who collect moneys on account of taxes, licenses, fines, and from other sources which belong to the city, except moneys collected by the Treasurer on account of redemption of property sold to the city for taxes, must make monthly settlements therefor on or before the first Monday in each month, and to that end shall make a statement to the Auditor, subscribed and sworn to before him, showing from what sources the same are collected and the total amount collected, and forthwith pay said amount to the Treasurer and take his receipt therefor, in duplicate, one of which receipts must be filed with the Auditor. The Auditor, upon filing the Treasurer's receipt, must forthwith apportion the money so paid into the several funds to which it belongs, and file with the Treasurer his statement of such apportionment.

SEC. 12. The Common Council must not for any purpose contract debts or liabilities, except in pursuance of law, nor shall such indebtedness or liabilities exceed, in any fiscal year, the income and revenue provided for such year, without the assent of two thirds of the qualified electors of the city, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same, and proceed in accordance with the section following, providing how bonded debts may be created. Any indebtedness or liability incurred contrary to this provision shall be void: and all contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made in violation of this provision, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of said city; and all officers of said city are charged with notice of the condition of the City Treasury, and extent of the claims against the same.

SEC. 13. The Common Council may contract bonded indebtedness (other than bonds and indebtedness contracted and created for street paving and street improvements as in this charter provided), as follows: Said Common Council shall, by order duly passed, by ayes and noes, recorded in its journals of proceedings, specify the particular purpose for which the indebtedness is to be created, and the amount of bonds which is proposed to be issued. The Common Council shall then provide for submitting the question of the issue of said bonds to the qualified electors of the city, at a special city election to be called by the Common Council for that purpose, and none but qualified electors of the city shall be permitted to vote thereat, and it shall be held as nearly as possible in conformity with the general election laws of this State. Notice shall be given of such election by publication in the city official newspaper for three weeks prior thereto. The ballots shall be printed, "For the issue of bonds," or "Against the issue of bonds." If two thirds of the electors of the city so voting at such election shall vote in favor of issuing bonds, and not otherwise, the Council may proceed to issue the amount of bonds specified, in manner as follows: Said bonds to be in sums of not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing interest at a rate per annum not exceeding seven per cent, payable semi-annually; the said bonds to be payable and redeemable at any time at pleasure of the city, which said bonds shall be substantially in the following form:

No. _____

The City of San Diego, in the State of California, for value received, promises to pay _____ or bearer, at the office of the Treasurer of said city, on the first day of _____, in the year _____, or at any time before that date, at the pleasure of the city, the sum of _____ dollars, gold coin of the United States, with interest at the rate of _____ per cent per annum, payable at the office of said Treasurer semi-annually, on the first days of _____ and _____, in each year, on presentation and surrender of the interest coupons hereto attached.

In testimony whereof, the said city by its Common Council has caused this bond to be signed by the Mayor of the city, and attested by the Auditor with the corporate seal of said city hereto attached, this _____ day of _____, in the year _____.

[Corporate seal.]

_____, Mayor.
Attest: _____, Auditor.

And the interest coupons shall be in form following, and signed by the Auditor:

No. _____

The Treasurer of the City of San Diego, California, will pay to the holder hereof, on the _____ day of _____, in the year _____, at his office in said city, the sum of _____ dollars, gold coin, for interest on City Bond No. _____.

_____, Auditor.

Whenever bonds issued under this charter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the City Treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him, and

the proceeds thereof. The Treasurer shall then proceed to sell said bonds, for not less than par, under the direction of the Common Council, and for the best available price; and whenever said bonds or any portion thereof are sold, he shall report the fact to the Auditor, stating under oath to whom sold, and for what price, and the Auditor shall at once apportion the moneys arising from such sale to the proper fund in the treasury, filing a statement of such apportionment with the Treasurer. The Common Council shall have the power, and must create and name the fund or funds of the city into which the moneys arising from sale of bonds shall be paid. And before or at the time of issuing said bonds, the Common Council shall, by ordinance, provide for the levy and collection of a tax, to be levied and collected at the same time and in the same manner as other city taxes, sufficient to pay the annual interest upon the bonds, issued and outstanding, and such proportion of the principal thereof, that at the end of five years the sum raised from such levies shall equal at least twenty per cent of the bonds issued; at the end of nine years at least forty per cent of the amount, and at or before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest. And the Common Council must annually thereafter levy such tax in sufficient amount to comply with the provisions of this section and the ordinance of the Council aforesaid; and the moneys arising from such levies shall be known as the "Special Charter Bond Fund No. —," and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever. Whenever the amount in the hands of the Treasurer belonging to said fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall publish a notice in the city official newspaper for the period of ten days, specifying that he is prepared to pay said bond or bonds, giving the number of bond or bonds to be paid, and date of issue of said bond or bonds; and if not presented for payment within forty days after date of said notice, that the interest will cease, and the amount due thereon for principal and interest will be set aside for payment of same whenever presented. If said bonds are not so presented interest shall cease, and the amount due thereon be set aside as specified in said published notice. The bonds selected for redemption shall be determined by lot.

SEC. 14. The Auditing Committee, or a special committee appointed by the Common Council for that purpose, shall have the right and power, separately or collectively, and with the aid of an accountant selected by the Mayor, to examine the books of the Treasurer at any and all times, and shall have the right to inspect and count all public moneys under the Treasurer's control or on deposit elsewhere.

SEC. 15. It shall be the duty of the City Clerk, upon the first Tuesday of January in each year, or within five days thereafter, to cause notice to be given by public advertisement for five successive days, in the city official newspaper, that sealed proposals will be received from any bank of deposit in the City of San Diego, as to the terms and conditions upon which they will receive and disburse the public moneys of said city; such proposals shall be received up to the time to be specified in the notice. The proposals to be made shall specify the rate of interest per month estimated upon the daily balances that will be allowed upon such deposits of public moneys. Such sealed proposals shall be publicly opened by the Clerk, in the presence of the Board of Aldermen, at its first meeting after the expiration of the time for receiving proposals. The bank offering the highest rate of interest shall be appointed the depository of public moneys. The Board of Aldermen shall thereupon cause a contract in writing to be drawn providing for the proper payment of all warrants drawn upon the City Treasurer, so long as there is sufficient money in the fund upon which such warrant is drawn, and sufficient money for the credit of said city on deposit in said bank to pay the same; and providing also for the full accounting of all moneys so deposited, and the repayment of the balance on deposit at the end of the term for which said contract shall be made to the City Treasurer, or other person authorized by the Common Council to demand and receive the same. The Board of Aldermen shall have the power to require such other provisions to be inserted in such contract as it shall deem best for the interest of said city. The contract, when approved by the Board of Aldermen, shall be signed in behalf of the city by the Mayor. Such depository thus selected shall give a bond with two or more sureties, who shall not be stockholders in such bank, in a sum to be fixed by the Board of Aldermen, not less than one hundred thousand dollars, conditioned for the faithful keeping and proper disbursement of all such moneys; said bond to be approved by the Mayor and Board of Aldermen. Upon approval of such bond, and the signing of such contract, the Common Council, by resolution, shall direct the City Treasurer to deposit each day when said bank is open for transaction of business, with the bank thus selected, all public moneys of said city by him collected or received. For each such deposit the Treasurer shall take the receipt of the bank, and from and after the deposit of such money in said bank the Treasurer and his bondsmen shall no longer be liable therefor. Should the City Treasurer refuse or neglect at any time to comply with the orders of the Common Council as to the deposit of such moneys, he shall be liable upon his official bond, in an action brought thereon, by and in the name of the City of San Diego, for the full amount of the interest which the corporation should have received upon such moneys during such time as he shall retain the possession or control of such moneys; and in addition thereto he may be proceeded against by said city, in its own name, by mandate brought against him under the laws of this State applicable thereto, to compel such deposits to be made.

ARTICLE VII.

EDUCATIONAL DEPARTMENT.

OF THE BOARD OF EDUCATION.

SECTION 1. The government of the School Department of the City of San Diego shall be vested in a Board of Education composed of eighteen persons, two of whom shall be elected from each ward, and each of whom shall have been for two years a resident of this city, who shall be styled members of the Board of Education. They shall serve without salary. They shall hold office for four years, or until their successors shall be elected; *provided*, that one member from each ward of the first Board only, to be determined by lot, shall serve but two years.

SEC. 2. The Board of Education shall choose by ballot one of their number President; they shall hold stated meetings at least monthly, and special meetings as they may decide. The Superintendent of Schools shall be *ex officio* Clerk of the Board, and shall keep a faithful record of all their proceedings. Nine members shall be a quorum for the transaction of business, but a less number may adjourn from time to time. No action can be taken without the concurrence of at least nine members. All sessions shall be public, and all records of their official acts open to public inspection at all proper times. Any vacancy in the body shall be filled by the Board from the electors of the ward in which the vacancy has occurred, until the next general city election.

The Board shall have sole power:

First—To establish, maintain, change, and consolidate public schools in this city, and determine the limits of the districts thereof.

Second—To appoint and employ a Superintendent of Schools who has for two years been teacher in some public school in the United States. To employ and dismiss teachers, janitors, Census School Marshals, mechanics, laborers, and other persons as may be necessary to carry into effect the powers and duties of the Board.

Third—To fix a schedule of annual or monthly salaries for teachers and janitors, and compensation for other employes; *provided*, that persons employed by them shall be subject to dismissal for good and sufficient cause, such dismissal to be in effect the termination of any contract with the person so employed.

Fourth—To make, establish, and enforce all necessary and proper rules and regulations for the government of the public schools and teachers thereof and pupils therein, and for carrying into effect the laws relating to education. To make rules defining the duties of the Superintendent and teachers. Also, to establish and regulate the graded schools, and determine what text-books, course of study, and mode of instruction shall be used in all of said schools; *provided, however*, that no text-books shall be set aside, and discarded, and be replaced by text-books other than those that are authorized by law and published under the authority of this State, until after three years from the date of their adoption and use in the public schools of this city.

Fifth—To provide for the School Department water, fuel, lights, blanks, blank books, printing, stationery, and other necessary aids and conveniences as are demanded to meet the educational requirements of the city.

Sixth—To rent and provide school houses, and to furnish the same with suitable desks, seats, apparatus, and school appliances, and to insure the same.

Seventh—To control and manage all the school property of the City of San Diego necessary for conducting the public schools therein; but no lease or exchange of the same shall be made without authority of the Common Council.

Eighth—To prohibit any child under six years of age from attending the public schools; but may establish kindergarten schools for the tuition of children between the ages of four and six years; and may also provide for kindergarten instruction in the primary schools.

Ninth—To admit non-resident children to any of the schools upon the payment of a fee to be fixed by the Board.

Tenth—To suspend or expel pupils for misconduct.

SEC. 3. No teacher shall be employed in any of the public schools without having a certificate issued under the provisions of this charter. For the purpose of granting the certificates required, the Board shall appoint a City Board of Examination. The City Board of Examination shall consist of the School Superintendent, who shall be President, and four other persons, resident of this city, at least two of whom shall be experienced teachers. The members of the City Board of Examination, other than the Superintendent, shall receive for their services such compensation as may be fixed by the Board of Education.

SEC. 4. The City Board of Examination shall have power:

1. To adopt rules and regulations not inconsistent with the laws of this State for its own government, and for the examination of teachers.

2. To examine applicants, and to prescribe a standard of proficiency which will entitle the person examined to a certificate.

3. To grant city certificates of three grades:

First—High school certificates, valid for six years, and authorizing the holder to teach any primary, grammar, or high school in the city.

Second—City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in the city.

Third—City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in this city.

Fourth—Without examination to grant certificates, and fix the grade thereof to the holders of State life diplomas, State educational diplomas, State Normal School diplomas, State University diplomas (when recommended by the Faculty of the University), State certificates, city certificates granted in other cities of this State, county certificates granted in the County of San Diego, and life diplomas, and State Normal School diplomas of other States.

Fifth—To revoke or suspend, for immoral or unprofessional conduct, profanity, intemperance, or evident unfitness for teaching on the part of the holder, any certificate granted by the Board.

Examination of teachers must be held semi-annually, at such times as the Board may determine.

SEC. 5. Any member of the Board of Education, or any person officially connected with the School Department, or drawing a salary from the Board, who while thus drawing such salary, upon investigation by the Board, or by any special committee that may be appointed by the Common Council, shall be found to be interested directly or indirectly in, or to have gained any advantage or benefit from any contract payments, or any purchases of any kind which have been or are to be made in any part from moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the Board shall thereupon declare such office vacant.

SEC. 6. The Public School Fund of this city shall consist of all moneys received from the City, County, and State School Funds; of all moneys arising from taxes which shall be levied by the Common Council for school purposes; of all moneys arising from the sale, rent, or exchange of school property, and of such other moneys as may from any source whatever be paid into said School Fund, which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, or disbursing of school moneys, and if at the end of the fiscal year any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and no part of the School Fund shall for any purpose or in any manner whatever be diverted or withdrawn from said fund, except as in this chapter provided. All moneys of this fund shall be deposited with the City Treasurer, and the same shall be drawn only by warrant signed by the President and Clerk of the Board and duly audited by the Auditor.

SEC. 7. It shall be the duty of the Board of Education, or a committee thereof, to visit and examine each school at least once each month, and cause to be observed such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board.

SEC. 8. All claims payable out of the School Fund shall first be filed with the Clerk of the Board, and shall be approved by a majority of the whole Board, and certificate of such approval shall be indorsed thereon by the President of the Board. All demands of salaries of teachers and compensation of janitors shall be payable monthly, without presentation of claims therefor.

SEC. 9. It shall be the duty of any and all officers of the County of San Diego, having any official disposition of the School Fund of this city, to cause to be deposited with the City Treasurer of the City all State and county moneys coming under their control that have been appropriated to the city, or the school districts thereof, as soon as the same have been received by them.

SEC. 10. All contracts, supplies, or purchases to be made by the authority of the Board exceeding in amount two hundred dollars (\$200) shall be given to the lowest bidder for the same, after three days' publication in the city official newspaper has been made, soliciting from the public bids therefor, the Board reserving the right to reject any bid. The Board shall not have authority to contract any debts or obligations of any kind that may exceed in amount in any one year the income or revenue provided for the School Fund of such year.

SEC. 11. The President and any President pro tem. of the Board shall have power to administer oaths and affirmations concerning any demand upon the School Fund, or any other matter affecting the School Department that may be presented for the official action of the Board.

SEC. 12. The Board shall cause to be published in January and July of each year, in the city official newspaper, a tabulated statement showing the income and resources of the School Department, and the general expenditures for such school purposes, together with information as to the condition of the schools, number of teachers employed, attendance of pupils, and other statistics that may show to the public the labors of the department for the previous six months.

SEC. 13. The Board shall direct the Superintendent of Schools to make to them monthly reports concerning the work of his department and the general efficiency of the schools.

SEC. 14. The Board shall have full authority to sell such personal property used in the School Department as may no longer be required for use, and deposit all moneys so acquired with the City Treasurer to the credit of the School Fund.

SEC. 15. The Board shall have the power, if they shall so determine, to designate a member of the Board of Examiners, who is not a teacher in their employ, who must visit the public schools in the city at least once in each year and examine each and every class and report as to the efficiency of the teachers thereof.

SEC. 16. The Board of Education shall report to the Common Council before the annual tax levy be made the amount necessary to carry on the public schools for the next school year, and thereupon the Common Council shall levy a rate of tax for school purposes sufficient to raise the amount reported as necessary by the Board of Education, not to exceed thirty cents on the one hundred dollars' valuation of the taxable property of the city as assessed, and such tax shall be in addition to all other amounts levied for city purposes.

SEC. 17. The Board of Education may, by resolution, make a requisition upon the Board of Public Works for plans, specifications, and estimates for any new school house, stating the location of the proposed house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and other information that may enable the Board of Public Works to prepare the necessary plans, specifications, and estimates of cost for such school house. If such plans, specifications, and estimates are approved by the Board of Education, they shall be indorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, who shall proceed without delay to have said school house constructed in accordance therewith. On completion of such school house, the Board of Public Works shall notify the Board of Education, who shall thereupon examine the same, and if built in accordance with the plans and specifications approved by them, and within the estimated cost thereof, shall accept, pay for, and take possession of the same.

SEC. 18. The Board of Education may also, by resolution, make a requisition upon the Board of Public Works for the purchase by them for the city of lands sufficient for a school house site, specifying the general location desired, and the character of the school house proposed to be erected thereon; and thereupon the Board of Public Works shall advertise for proposals in the usual manner, and shall contract for the purchase of such site as they shall deem the best for the least cost; which contract shall be valid only when approved by the Board of Education, and the purchase and payment therefor shall thereupon be consummated by said Board of Education.

ARTICLE VIII.

SAN DIEGO PUBLIC LIBRARY.

SECTION 1. The public library and reading room, known as the "San Diego Public Library," is hereby continued in existence, and shall be free of access to all citizens and residents of said city, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the Board of Directors of said library, hereinafter provided.

SEC. 2. The Board shall determine annually the amount of money required for the support of the Public Library, and for carrying into effect all the provisions of law in reference thereto; and in pursuance of this provision, the Board shall, on or before the twentieth day of March in each year, submit in writing to the Auditor a careful estimate of the whole amount of money required from the city for the above purposes, and the Common Council shall in each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the city, not to exceed five cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of municipal bonds issued by the City of San Diego in accordance with the general laws of the State for the purpose of defraying the cost of such improvements.

SEC. 3. The Mayor shall, immediately after his qualification under this charter, appoint a Board of five Directors, subject to confirmation by the Board of Delegates, for said library, who shall serve without compensation, and be known as the "Board of Directors of the San Diego Public Library," and who shall be chosen from the citizens at large, male or female, without regard to their political opinions, but with reference to their fitness for said office, and not more than one member of the Common Council shall be at any one time a member of said Board. Said Directors shall hold office for two years, and thereafter the Mayor shall appoint, as before, Directors to take the place of the retiring Directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, subject to confirmation by the Board of Delegates, for the balance of the unexpired term.

SEC. 4. Said Directors shall, immediately after appointment, meet and organize by the election of a President from one of their number. The Librarian shall be Clerk of the Board, and shall keep a record of their proceedings.

SEC. 5. The Board of Directors shall have power to make and enforce all such by-laws, rules, and regulations as may be necessary for the administration, government, and protection of such library, reading room, and property; to determine the number of officers and assistants to be appointed for such library and reading room, and to determine and define their duties; to fix the salaries and wages of such employés; to appoint a Librarian and necessary assistants, and such other employés as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time

in the Library Fund, and order the drawing and payment of all moneys, out of said fund, for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the City Treasurer, contained in this charter (except in the purchase of books, and the Board is hereby authorized to expend for books the sum of not to exceed five hundred dollars at any one time without advertising for bids); to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building, or buildings, for such library, and to have the general supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading room; *provided*, that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said funds upon demands authenticated by the signatures of the President and Clerk of the Board. All libraries and reading rooms heretofore established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody, and administration of the Board of Directors, with like powers and liabilities as if such library had been established under this charter.

SEC. 6. The library and reading room shall be forever free to the use of the inhabitants of the city and persons sojourning therein, always subject to such reasonable rules and regulations as the Board of Directors may adopt, and said Board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules, and said Board may extend the privileges and use of such library and reading room to persons residing outside the city, upon such terms and conditions as said Board may from time to time by its regulations prescribe.

SEC. 7. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property, or real estate so donated in "The Board of Directors of the San Diego Public Library," hereby created, to be owned, held, and controlled by such Board when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and, as to such property, the Board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said Board in its name as such special trustee; and the City of San Diego may, in its discretion, by ordinance, set apart and order to be held by the city for library purposes any part of the real property of the city not otherwise appropriated.

SEC. 8. The Common Council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds, or the property thereof, and for injury to or failure to return any book belonging to such library.

ARTICLE IX.

POLICE, FIRE, AND HEALTH.

CHAPTER I.—OF THE POLICE DEPARTMENT.

SECTION 1. The Police Department shall be under the management of a Board of Five Commissioners, four of whom shall be appointed by the Mayor and confirmed by the Board of Delegates, from among the qualified electors of the city, who shall serve without compensation, and no more than two of whom shall be members of the same political party. The Mayor shall be ex officio President and a member of said Board.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in one year, one in two years, one in three years, and one in four years.

SEC. 3. Immediately upon their appointment and qualification the Commissioners shall organize as a Board of Commissioners of the Police Department. The Board may appoint as Secretary a member from the police force. The Board shall establish rules and regulations to govern its proceedings and keep a record of the same.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint or of which the President gives notice. The meetings of the Board shall be public; three members shall constitute a quorum; *provided, however*, that executive sessions may be held in special cases by unanimous vote.

SEC. 5. The appointment of officers and members of the Police Department shall be made by the Board.

SEC. 6. The Police Department shall consist of the Chief of Police and as many subordinate officers and regular policemen as the Common Council, by ordinance, may from time to time determine. The Chief of Police shall hold office for the term of two years.

SEC. 7. The Police Commissioners shall have power:

1. To suspend or remove (for cause) any person from the police force, and shall reduce said force whenever so directed by the Common Council; prescribe rules and regulations for the government of the force, and fix and enforce penalties for their violation.

2. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employes of said department.

3. To appoint special policemen, who shall be under the supervision and control of the Chief of Police, and to remove the same at pleasure; *provided, however*, that the compensation of said policemen shall not be a charge against the city unless appointed by authority of the Common Council.

SEC. 8. The Board shall have the custody and control of all the property and equipments belonging to or hereafter acquired by the Police Department.

SEC. 9. The Board shall annually, on or before the twentieth day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department.

SEC. 10. Every claim against the Police Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary, before the same shall be allowed and ordered paid by the Auditing Committee.

SEC. 11. The Board shall prescribe the necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 12. The Chief of Police shall designate one or more policemen to attend the sessions of the Police Court, when required, and policemen may serve and execute all notices, processes, and warrants issued out of said Police Court, and the return of said officer serving the same shall be evidence of the facts in such return stated.

CHAPTER II.—OF THE FIRE DEPARTMENT.

SECTION 1. The Fire Department shall be under the management of a Board of three Commissioners, to be appointed by the Mayor, subject to confirmation by the Board of Delegates, from among the qualified electors of the city, who shall serve without compensation, not more than two of whom shall be members of the same political party.

SEC. 2. The term of office of said Commissioners shall be four years. The Commissioners first appointed shall so classify themselves that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 3. Immediately upon their appointment and qualification, the Commissioners shall organize as a Board of Commissioners of the Fire Department, and elect one of their number President, who shall hold his office for the term of one year. The Board may appoint as Secretary an employé of the Fire Department, to receive such additional compensation as the Board may recommend and the Common Council approve.

SEC. 4. The Board shall meet at least once each month, and at such other times as it may appoint, or of which the President gives notice. The meetings of the Board shall be public; two members shall constitute a quorum; *provided, however*, that the executive sessions may be held in special cases by unanimous vote.

SEC. 5. The officers, members, and employés of the Fire Department shall be appointed by said Board.

SEC. 6. The Fire Department shall consist of a Chief Engineer, two Assistant Engineers, and as many drivers, hosemen, and other employés as the Board may determine to be necessary.

SEC. 7. The Fire Commissioners shall have power:

1. To appoint, suspend, or remove (for cause) any officer, person, or employé from the Fire Department, prescribe rules and regulations for the government of the department, and fix and enforce penalties for their violation.

2. To prescribe the qualifications, duties, badges of office, and uniforms of the officers, members, and employés of said department.

3. To make necessary rules and regulations to carry into execution all powers vested in said Board by this charter, or by any ordinance of the Common Council passed pursuant thereto, or by the Constitution and laws of this State.

SEC. 8. The Board shall have the custody and control of the houses, engines, hose carts, trucks, ladders, horses, stables, and all other property and equipments now or hereafter used by or belonging to the Fire Department.

SEC. 9. The Board shall, annually, on or before the twentieth day of March, report to the Auditor an estimate of the amount of money that will be required to pay all salaries and expenses of the Fire Department for the ensuing year.

SEC. 10. Every claim against the Fire Department shall be approved by the Board, and authenticated by the signatures of the President and Secretary before the same shall be presented to the Auditing Committee.

SEC. 11. The Board shall report to the Common Council the necessity for additional apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required, but the action of the Board, with respect to the necessity of these matters, shall be advisory only to the Common Council, and no increase in the apparatus, material, supplies, and other matters in this section enumerated shall be made, until the same shall have been authorized by the Common Council by ordinance.

SEC. 12. All contracts let, and work ordered for the Fire Department, shall be let and ordered by the Board of Public Works; *provided, however*, that the Board of Fire Commissioners shall have power to make repairs upon engines and other property under their control when the cost thereof does not exceed the sum of two hundred dollars.

SEC. 13. Whenever the Council may deem it necessary to establish a fire alarm telegraph, the Board of Fire Commissioners shall manage and control the same.

SEC. 14. All telegraph, telephone, electric light or other overhead wires wherever run into or over buildings, shall come under the control of the Board of Fire Commissioners.

CHAPTER III.—OF THE BOARD OF HEALTH.

SECTION 1. There shall be a Board of Health, which shall consist of five physicians, graduates of some accredited medical college, three of whom must be physicians in active practice, to be appointed by the Mayor, and confirmed by the Board of Delegates, who shall have supervision of all matters appertaining to the sanitary condition of the city, and its public institutions.

SEC. 2. The members of said Board shall hold office for four years, without compensation. The members first appointed shall so classify themselves that one shall go out of office at the end of the first year, one at the end of two years, one in three years, and one in four years.

SEC. 3. The Board shall elect one of their number President, who shall hold office for one year. The Health Officer's clerk or assistant shall act as Secretary of said Board.

SEC. 4. The Common Council shall provide a suitable office for said Board of Health, to be known as the "Health Office," in which the meetings of the Board shall be held at least once a month, or whenever requested by the President, or three of its members.

SEC. 5. Said Board shall appoint and remove at pleasure a Health Officer, and such other subordinate officers as from time to time may be deemed necessary by the Common Council. The Health Officer shall act as City Physician when required by the Board. He shall be the executive officer of the Board, and see that all ordinances relating to the sanitary affairs of the city, and the rules and regulations of the Board, are enforced.

SEC. 6. The Board shall fix the salary of the Health Officer and other employes, subject to the approval of the Common Council.

SEC. 7. The Health Officer shall visit the public institutions of the city and the public schools once in each quarter, investigate the sanitary conditions of the same, and make quarterly reports of such examinations to the Board of Health. He shall also make to the Board, for publication, an annual report of the affairs of his office, including mortality and other sanitary statistics. He shall also furnish for publication a monthly report of the mortality and other sanitary statistics of the city.

SEC. 8. Whenever the Health Officer shall certify to the Board of Health that any building, or part thereof, is from any cause unfit for human habitation, said Board may issue an order, to be affixed conspicuously on the building, and where practicable to be served on the owner, agent, or lessee, requiring all persons to vacate such building or apartment at and until such time as the Board may determine.

SEC. 9. Whenever a case of smallpox, yellow fever, Asiatic cholera, or other infectious disease is reported to the Health Officer, he shall immediately visit the premises where the person is, and forthwith cause to be displayed a quarantine flag in a conspicuous place on said premises, and post upon the doorway a placard, setting forth the fact that infectious disease exists therein.

SEC. 10. The Health Officer shall immediately report to the City School Superintendent and Superintendent of Public Library, the names and residences of every person sick of the diseases in section nine enumerated, or any other contagious or infectious disease he may deem dangerous to the public health.

SEC. 11. It shall be the duty of the City School Superintendent and Superintendent of the Public Library, when so notified, to refuse admittance to the public schools or library to any member of a household in which any of the aforesaid diseases are found, until advised by the Health Officer that there is no longer any danger from contagion.

SEC. 12. Every physician in the city shall immediately report to the Health Officer, in writing, every patient he shall have sick of typhus, ship, or yellow fever, Asiatic cholera, smallpox, diphtheria, or scarlatina, and shall report every death occurring from such diseases immediately; also, every householder in said city shall forthwith report to the Health Officer the name of every inmate of his or her house whom he or she shall have reason to believe to be sick of typhus, ship, or yellow fever, cholera, smallpox, diphtheria, or scarlatina, and any death from such diseases occurring at his or her house.

SEC. 13. The Health Officer shall keep a record of all births, deaths, interments, and cremations occurring in said city.

SEC. 14. All physicians and midwives in said city shall report to the Health Officer, on or before the fourth day of each month, all births and deaths occurring in his or her practice during the previous month. A failure to make such report shall be deemed a misdemeanor.

SEC. 15. The Board of Health, through and with the coöperation of the Board of Public Works, may locate, establish, and maintain pesthouses, and discontinue and remove the same whenever and wherever necessary for the preservation of the public health. They may appoint and remove at pleasure such physicians and nurses (whose compensation shall be approved by the Common Council by ordinance or resolution) for said pesthouses as may be necessary to maintain the efficiency of the same; and may cause to be removed thereto and kept any person affected with any contagious or infectious disease.

SEC. 16. No person shall remove a patient affected with any contagious or infectious disease from any house or place, within the city limits, to any other house or place, without the written permission of the Health Officer.

SEC. 17. The Board may, whenever they deem it necessary, appoint and remove at pleasure a Market Inspector, and such other inspectors as may be necessary for the preservation of the public health, whose compensation shall be fixed by the Common Council.

CHAPTER IV.—OF QUARANTINE.

SECTION 1. The Board of Health may proclaim such quarantines and establish and declare such quarantine districts and stations as may in their judgment be necessary for the preservation of the public health, and may appoint and remove at pleasure a Quarantine Officer.

SEC. 2. All vessels arriving off the Port of San Diego from ports which have been legally declared infected ports, and all vessels arriving from where there is prevailing, at the time of departure, any contagious, infectious, or pestilential disease, are subject to quarantine, and must be by the master, owner, pilot, or consignee reported to the Quarantine Officer without delay. No such vessel must cross a line drawn as prescribed by the Board of Health until the Quarantine Officer has boarded the same and given the order required by law.

SEC. 3. The Board of Health shall make rules and regulations relating to the disposition of the sick and deceased arriving on any ship or vessel, and also for the recovery of all expenses and charges incurred in their treatment or burial.

SEC. 4. The Board may, when deemed necessary, require all railroad cars or other public conveyances, before the same shall stop at any depot or station in the city, to stop at any locality selected and established for quarantine purposes, and to leave all such persons with their stores and baggage as in the opinion of the Health Officer shall be deemed proper, on account of the existence or general report of contagious and infectious diseases.

SEC. 5. The Board of Health shall make such rules and regulations for the government of the quarantine or the health of the city as from time to time the public health may require, and the physicians or health officers in charge of any quarantine station or place shall have power to enforce such regulations as may be necessary for the proper management thereof, and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine station or places to carry out and obey the same.

SEC. 6. It shall be unlawful to disinter or exhume from a grave, vault, cemetery, or other burial place within the city limits, or to deposit therein the body of any deceased person, without having first caused to be filed at the Health Office a certificate signed by a legally qualified physician or Coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of such decedent, and obtained from the Health Officer a written permit for burial or other purposes.

SEC. 7. The Health Officer shall prepare a book of blank permits in proper form, containing stubs, on which, as well as in the permit, shall be entered a record giving the name, age, sex, nativity, social condition, cause of death, place of burial, and destination of remains to be transported or removed.

SEC. 8. The Common Council must, by ordinance or otherwise, provide for the enforcement of such orders and regulations as the Board of Health may adopt and the Council approve, providing, also, for all expenses incurred in carrying out the suggestions of the Board. In addition to the powers in this article enumerated, the Health Officer and members of the Board of Health may administer oaths on business connected with the department, and shall have such other powers and authority as may be prescribed by ordinance of the Common Council, or by general laws.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. Every officer shall hold his office, unless suspended or removed, until the expiration of the term for which he was elected or appointed, and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed two years. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 2. Every officer, deputy, and clerk, except where otherwise provided in this charter, must have been, at the time of his election or appointment, both an elector of the city and an actual resident therein for one year next preceding his election or appointment.

SEC. 3. No member of either Board of the Common Council, and no officer or employé of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work, or business with or for the city; or in the purchase or lease of any real estate, or other property, belonging to or taken by said city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said city. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for said city, or any department or office thereof, or in any franchise, right, or privilege granted by said city, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed, or employed in the service of said city; and all such contracts shall be void, and shall not be enforceable against said city.

SEC. 4. No officer or employé of said city shall give, or promise to give, to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been or of being nominated, appointed, voted for, or elected to any office or employment; and if any such promise of gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed, or employed in the service of the said city.

SEC. 5 Any officer of said city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office.

SEC. 6 An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of said city, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the state without leave for more than thirty consecutive days. The Common Council must not grant leave of absence to any officer (except for the purposes of attending to official business) for a longer time than thirty days.

SEC. 7 When a vacancy occurs in any office, and provision is not otherwise made in this charter or by law for filling the same, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office for the remainder of the unexpired term; *provided*, that in case of a vacancy in either Board of the Common Council, it shall be filled by such Board until the next general city election.

SEC. 8 Every officer authorized by law or ordinance to allow, audit, or certify demands upon the treasury, or to make an official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relating thereto.

SEC. 9 Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid.

SEC. 10 All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from said books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents per folio of one hundred words for such copies or extracts.

SEC. 11 The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law or this charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon.

SEC. 12 In the month of January of each year the several Boards, officers, and other heads of departments shall report to the Mayor the condition of their respective offices and departments during the preceding fiscal year, embracing all their operations, receipts, and expenditures; and the Mayor shall embody such reports, or the substance of them, in an annual communication to the Common Council.

SEC. 13 Except as otherwise provided in this charter, all moneys, assessments, and taxes belonging to or collected for the use of the city, coming into the hands of any officer of the city, shall immediately be deposited with the Treasurer for the benefit of the funds to which they respectively belong. If such officer, for twenty-four hours after receiving the same, shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office, and may be suspended or removed.

SEC. 14 When any officer, Board, or department provided for in this charter shall require additional deputies, clerks, or employés, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance, and if he find the same necessary, he may recommend to the Common Council to authorize the appointment of such additional assistance; and thereupon the Common Council, by an affirmative vote of two thirds of all the members of each Board, may authorize such appointment and provide for the compensation of such appointee, subject to the limitations of this charter.

SEC. 15 No privilege shall be granted that suspends or violates any ordinance, except by the affirmative vote of two thirds of all the members of each Board.

SEC. 16 Unless otherwise provided by law or this charter, any officer, Board, or department authorized to appoint any deputy, clerk, assistant, or employé, shall have the right to remove any person so appointed.

SEC. 17 All appointments of officers, deputies, and clerks to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, Board, or officer making the same. One of said duplicates must be filed with the City Clerk, the other with the Auditor.

SEC. 18 Wherever it is provided in this charter that the members of any Board, Department, or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the City Clerk.

SEC. 19 All franchises and privileges heretofore granted by said city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within three months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege and franchise.

SEC. 20 All ordinances or resolutions for the improvement of any street, for which no contract shall have been entered into at the time this charter goes into effect, are hereby repealed.

SEC. 21. All maps of tracts of lands subdivided into blocks and lots with streets, by any owner of said lands, shall be submitted to the Board of Public Works, and in case such subdivision shall be found by said Board to conform to the surrounding surveys the said map shall be adopted by the Common Council, and said subdivision allowed; but no subdivision of any such tract shall be permitted that does not conform to the surrounding and general survey of the city.

SEC. 22. All officers of the City of San Diego in office when this charter is approved by the Legislature, shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions and obligations of the present charter until the officers provided for in this charter have been elected and qualified.

SEC. 23. All officers of the City of San Diego having custody of papers, books, documents, maps, records, archives, or other property of the city, of whatsoever kind, shall turn over to their successors designated in this charter, or by ordinance of the Common Council, all such papers, books, maps, documents, records, archives, or other property in their custody or under their control respectively, or belonging to their respective offices or departments; and the respective officers or Boards, to whom the same shall be delivered, must give therefor two duplicate certificates, one of which shall be immediately filed in the office of the Auditor.

SEC. 24. All ordinances, orders, and resolutions of the City of San Diego in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 25. The Common Council shall, at least once in two years, cause to be printed and published in book form, all ordinances of the city of a general nature in force at the time of such publication. The title page of such book shall contain the words, "Published by authority of the Common Council of the City of San Diego;" and when so published all ordinances therein contained shall be received in all Courts as prima facie evidence of the due passage and publication of such ordinances, without further proof.

SCHEDULE.

SECTION 1. For the sole purpose of the election of the officers directed by this charter to be elected by the people, the said charter shall take effect immediately after its approval by the Legislature; and the election of such officers shall be managed, conducted, and controlled in all respects in accordance with the then existing laws in relation to elections in said city. For all other purposes the said charter shall take effect on the first Monday in May, eighteen hundred and eighty-nine.

SEC. 2. The City Council of the present city shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

Be it known:

That the City of San Diego, containing a population of more than ten thousand and less than one hundred thousand inhabitants, on the fifth day of December, eighteen hundred and eighty-eight, at a special election held under and in accordance with the provisions of section eight of article eleven of the Constitution of this State, did elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city, and we, the members of said Board, in pursuance of said provision of the Constitution and within a period of ninety days after such election, have prepared and do propose the foregoing, signed by us in duplicate, as and for the charter of the said City of San Diego.

In witness whereof, we have hereunto set our hands this tenth day of January, A. D. eighteen hundred and eighty-nine.

Done in duplicate.

DOUGLAS GUNN, President.
E. PARKER.
WM. A. BEGOLE.
GEO. B. HENSLEY.
R. M. POWERS.
CHAS. HUBBELL.
E. W. MORSE.
G. W. JORRES.
H. T. CHRISTIAN.
GEO. M. DANNALS.
M. A. LUCE.
N. H. CONKLIN.
PHILIP MORSE.
D. CAVE.
C. M. FENN.

Attest: OTIS BRENDEN, Secretary.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said charter be and the same is hereby approved as a whole for and as the charter of said City of San Diego.

Mr. Sprague moved that Senate Joint Resolution No. 5 be referred to the Committee on Judiciary, with instructions to report to-morrow morning.

The ayes and noes were demanded by Messrs. Bowers, Sprague, and Fraser.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Jones and Sprague—2.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McDonnell, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Yell—33.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Assembly Bills Nos. 8 and 227.

DIXON, Acting Chairman.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Substitute for Senate Bill No. 402—An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Also, Concurrent Resolution No. 19—Relative to the boilermakers of San Francisco.

And have delivered the same to the Governor.

MEAD, Chairman.

Mr. Langford, of the Committee on Rivers, Harbors, and Coast Defenses, submitted a report, five hundred copies of which were ordered printed.

ON STATE LIBRARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 520—An Act authorizing the Controller to transfer money from the State Library Fund to the General Fund, in State Treasury—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MURPHY, Chairman.

Also, report as follows:

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on State Library beg leave to report as follows: We have examined the accounts of the State Librarian, find that they are correct, properly kept, and all bills receipted.

The State Librarian has paid out thirty-seven dollars and twenty-seven cents more than he has received, and the Library is indebted to him for that amount.

There is in the State Library Fund thirty thousand nine hundred and eighty-eight dollars and ninety-nine cents. The outstanding orders, the bills due, and the needed wants will materially lessen this amount.

The following departments need completion badly, viz.:

Society: Government, public administration, political economy.

History: Especially United States and local history, in which the Library is weak.

Science: Natural philosophy, geology, chemistry, natural history and zoology, botany.

Arts: Engineering, mechanic arts and trades, domestic arts.

In literature much is needed in the way of standard works in French and German, and we respectfully call the attention of the State Librarian and Trustees to this fact; we also refer to the State Librarian's report, pages ten and eleven.

T. H. Wallis, State Librarian, under and by virtue of Assembly Concurrent Resolution No. 4, relating to the conference of State Librarians (page 248, Statutes 1887), has called a Convention of State Librarians to meet in St. Louis on May 8, 1889, and has carefully prepared several suggestions to be presented at the Convention, relative to the laws governing State Libraries.

The following are a few of the most important ones—

To promote exchanges:

First—That Congress provide for the free transportation through the mails of books and all printed matter between State Libraries.

Second—That Congress suggest to foreign governments the advisability of an international law providing for the free transportation of books and other printed matter between State Libraries and departments of foreign governments.

Third—To facilitate accessions: That Congress provide for a lower rate of postage on books.

Fourth—Free importation of books: That the privileges now enjoyed by the Library of Congress, in the exemption of books from import duties, be extended to State Libraries.

Fifth—To prevent deceptive title pages: That Congress provide that the date of first publication be indicated on the title pages of all books, unless by subsequent revision the contents have been materially altered.

Sixth—That in law reports the extreme dates of the decisions be correctly indicated on the title pages; that all legal digests contain a table of cases: First, plaintiff and defendant; second, defendant and plaintiff; and that this rule apply to all tables of cases appearing in any legal publication.

Seventh—That Congress enact a law making it a misdemeanor for any author, editor, or publisher to write or issue a misleading, false, or fictitious title page or preface.

Eighth—That each State provide for the maintenance of a State Library by creating a fund which shall be continuous and not dependent upon annual or biennial appropriations.

Ninth—That each State provide by law for the speedy transmission to all State Libraries of all public documents, reports, laws, transactions, etc., published by State authority, and that they be addressed to said State Libraries.

Tenth—That each State provide by law that all books published under its authority be indexed, and that the title pages of all statutes and journals of the Legislature show the dates of convening and final adjournment of the sessions for which they are. Also, that in law reports the extreme dates of the decisions be correctly indicated on the title pages, and the date of the rendition of each decision appear above the title of each case; and that each volume of law reports contain a table of cases, plaintiff and defendant and vice versa.

Eleventh—That each State enact a law making it a misdemeanor for any author, editor, or publisher to write or issue a misleading, false, or fictitious title page or preface.

Twelfth—That each State provide for the employment of a competent person to index all publications that are issued under the authority of the State.

Thirteenth—That each State provide for the proper exchange and disposition of duplicate books.

MURPHY, Chairman.

PETITIONS.

By Mr. McComas: Petition in favor of the organization of Orange County from the southeast portion of Los Angeles County. [Signed by one thousand seven hundred names.]

Also, petition from citizens of the City of Los Angeles, in favor of the organization of Orange County. [Signed by forty-seven names of individuals and firms, representing property of the value of ten million dollars.]

RESOLUTION.

By Mr. Flint:

Resolved, That Senate Bill No. 659 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Wilson, and Yell—35.

NOES—None.

PASSAGE OF SENATE BILL No. 659.

Senate Bill No. 659—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

Read first and second time, considered engrossed, read third time, and passed by the following vote:

AYES. Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—34.

NOES. None.

Title read and approved.

Mr. Flint moved that Senate Bill No. 659 be immediately transmitted to the Assembly.

So ordered.

MOTION OF RECONSIDERATION LOST.

Mr. Murphy moved to reconsider the vote by which Senate Bill No. 650 passed the Senate yesterday.

The roll was called, and the motion to reconsider lost by the following vote:

AYES. Messrs. Caminetti, Campbell, Conklin, Flint, Heacock, Hinshaw, Langford, McComas, McGowan, Murphy, Preston, White, and Yell—13.

NOES. Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Jones, McDonald, Mead, Meany, Moffitt, Roth, Spellacy, Sprague, Welch, and Wilson—22.

PLACED ON SPECIAL FILE.

Mr. Langford moved that Senate Bill No. 119 be placed on special file for second reading.

So ordered.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Assembly Bill No. 69 (No. 107 on file)—Entitled an Act to amend sections two, three, four, five, seven, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, thirty-five, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—be placed on the special second-reading file.

Adopted.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 5, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 207—An Act to create a Police Court in and for the City and County of San Francisco, State of California.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 5, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 221—An Act making an appropriation to pay the claim of A. A. Bennett.

Also, Senate Bill No. 217—An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River for the passage of fish up said stream and its tributaries, and appropriating money therefor.

Also, Substitute for Senate Bill No. 265—An Act to add a new section to the Civil Code of the State of California to be numbered section three hundred and sixty-three, authorizing corporations to own and improve property necessary for the transaction of their business, upon the unanimous vote of their Board of Directors.

Also, Senate Bill No. 18—An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant Company F, Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Order No. 26, series 1880.

Also, Senate Bill No. 230—An Act making an appropriation to pay the claim of Ben. Cohen.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 605—An Act appropriating the sum of \$15,000 (fifteen thousand dollars) for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

Also, Assembly Bill No. 282—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by amending section one thousand five hundred and eighty-eight thereof, relating to powers and duties of executors and administrators, and the management of estates.

Also, Assembly Bill No. 171—An Act to prevent the capture and destruction of blue cranes in this State.

Also, Assembly Bill No. 326—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTION.

Mr. Yell moved that Senate Bill No. 617 be withdrawn, and that Assembly Bill No. 605 be substituted on file.

FIRST READING OF BILL.

Assembly Bill No. 605—An Act appropriating the sum of \$15,000 (fifteen thousand dollars) for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

Read first time, and ordered on file for second reading.

ORDERED ON FILE.

Assembly Bills Nos. 282 and 171 ordered on file.

Senate Bill No. 261 withdrawn, and Assembly Bill No. 326 substituted therefor.

RESOLUTION.

By Mr. De Long:

Resolved, That Assembly Bill No. 326 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first and second times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goncher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, White, Williams, and Yell—27.

NOES—Messrs. Meany and Murphy—2.

Assembly Bill No. 326—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

Read first time.

RECESS.

The hour of twelve o'clock M. having arrived, the Senate took the usual noon recess.

REASSEMBLED.

At one o'clock and thirty minutes p. m. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell.

CONSIDERATION OF ASSEMBLY BILL No. 326.

The question recurring upon Assembly Bill No. 326, the same was read second time, and amended as follows:

By Mr. De Long:

Amend by striking out all of section one, and inserting the following in lieu thereof:

"SECTION 1. The sum of twenty thousand dollars is hereby appropriated out of any moneys in the General Fund of the State Treasury not otherwise appropriated, to pay the claim of Mrs. Margaret Saultry, widow, aged thirty-six, and Catherine Marie Saultry, aged twelve years; Mary Josephine Saultry, aged eight years; James Henry George Saultry, aged six years; John Joseph Saultry, aged two years; Ottwell Robert Saultry, aged two months, minor children of James Saultry an ex-guard at the State Prison at San Quentin, in this State, for personal injuries inflicted upon the said James Saultry, to wit: The loss of both his arms while in the discharge of his duties, under the orders of his superior officer, and while in the service of the State of California, which said injuries resulted in the death of the said James Saultry on the thirteenth day of August, 1888."

Adopted.

Also, by Mr. De Long:

Amend by striking out all of section two, and inserting the following in lieu thereof:

"SEC. 2. The Controller of State is hereby directed to draw his warrant on the State Treasurer, who shall pay the same, for the sum of twenty thousand dollars (\$20,000) in favor of the State Board of Examiners, who shall invest the same in interest-bearing bonds of the State, or of some solvent county or counties thereof, and shall collect the interest thereon and pay the same to the said Margaret Saultry, for the support of herself and said minor children. In case of the death of said Margaret Saultry, then to the guardian of said minor children; *provided*, that whenever any of said minor children shall become of age, or in the event of the death of either of said minors before becoming of age, the State Board of Examiners shall sell one fifth of said bonds, and the amount realized therefor shall be returned to the General Fund of the State Treasury; *and provided further*, that upon all of the said minors who may survive becoming of age, the balance of said bonds shall be sold as aforesaid, and the amount realized therefrom returned to the General Fund of the State Treasury."

Adopted.

Bill read second time, and ordered to foot of third-reading file.

RESOLUTION.

By Mr. McDonald:

Resolved, That J. M. Mitchell be allowed pay for the period of seven days from and after date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which he is now receiving, for services to be rendered by him in receiving mail from the Post Office after such adjournment. And the Controller is hereby authorized and directed to draw his warrant in favor of said J. M. Mitchell for said seven days, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 259—An Act making an ap-

appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the fortieth fiscal year—and respectfully request your honorable body to concur in the amendments.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

AMENDMENTS CONCURRED IN.

Senate Bill No. 259 was amended in Assembly, as follows:

Strike out of title the words "thirty-ninth" and insert the word "fortieth."
Also, amend by striking out of line seventeen of printed bill the words "thirty-ninth" and insert in lieu thereof the word "fortieth."

The Senate concurred in the amendments by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hancock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Welch, White, and Yell—31.
NOES—None.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Also, Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-eighth fiscal year.

Also, Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced concerning real estate in the territory taken from those counties and added to that of the County of San Benito, by Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 204, 212, and 143 ordered to enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 449—An Act to amend section three thousand six hundred and sixty-five of the Political Code, relating to the assessment of railroads operated in more than one county.

Also, Assembly Bill No. 650—An Act to extend the jurisdiction of the Board of State Harbor Commissioners over East Street, between Pacific and Folsom Streets.

Also, Assembly Bill No. 651—An Act to amend section two of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters," approved March 7, 1878.

Also, Assembly Bill No. 367—An Act relating to the time of commencement of actions for the recovery of real property.

Also, Assembly Bill No. 301—An Act to amend an Act entitled "An Act to amend section eight of an Act entitled 'An Act to provide for the future management of the Napa State Asylum for the Insane,' approved March 6, 1876, relating to the Resident and Assistant Physicians," approved March 17, 1887.

Also, Assembly Bill No. 617—An Act to amend an Act entitled "An Act to protect and promote the horticultural interests of the State."

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill No. 449 ordered to foot of first-reading special file.
Assembly Bill No. 650 ordered on file.

Senate Bill No. 638 withdrawn, and Assembly Bill No. 651 substituted therefor.

Assembly Bill No. 651—An Act to amend section two of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters," approved March 7, 1878.

Read first time, and ordered on file for second reading.

Assembly Bills Nos. 367, 301, and 617 ordered on file.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Flint at the bar of the Senate.

Upon motion, Mr. Flint was excused.

Mr. Yell moved that further proceedings under the call be dispensed with.

So ordered.

CONSIDERATION OF ASSEMBLY BILL No. 8—(RESUMED).

The question recurring upon the consideration of Assembly Bill No. 8, the same was read a third time.

SPECIAL ORDER POSTPONED.

The special order set for two o'clock and thirty minutes P. M. was postponed until after the present order of business was finished.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson.

The Sergeant-at-Arms reported Messrs. Moffitt, Meany, and Spellacy before the bar of the Senate.

All of the Senators were excused by order of the Chair.

Further proceedings under the call were dispensed with.

MOTIONS.

Mr. Jones moved that the Senate take a recess until eight o'clock p. m.

Mr. Moffitt moved to postpone recess until after the vote on Assembly Bill No. 8.

The question recurring upon Mr. Jones' motion, the same was lost by the following vote:

AYES—Messrs. Boggs, Britt, Caminetti, Dixon, Dray, Fraser, Hinshaw, Jones, Langford, McDonald, and White—11.

NOES—Messrs. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Flint, Goucher, Greely, Hamill, Heacock, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—27.

Mr. Moffitt called for his motion to postpone recess until after the vote on Assembly Bill No. 8.

Mr. Heacock moved, as an amendment, that if the hour of six o'clock p. m. is reached before a vote is taken on Assembly Bill No. 8, that the Senate do then take a recess until eight o'clock p. m.

Mr. Goucher moved that the Senate proceed to the consideration of Assembly Bill No. 8, and if the hour of six p. m. having arrived before a vote is taken on the bill, that the Senate do then take a recess, and that the consideration of the bill be the first order of business after the evening recess.

So ordered.

Mr. Heacock moved that the Senate do now take a recess.

Upon Mr. Heacock's motion, the ayes and noes were demanded by Messrs. Jones, Sprague, and Dargie, with the following result:

AYES—Messrs. Boggs, Briceland, Caminetti, Campbell, Conklin, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, Preston, and White—15.

NOES—Messrs. Banks, Bowers, Britt, Byrnes, Crandall, Dargie, De Long, Flint, Goucher, Greely, Hamill, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Williams, Wilson, and Yell—24.

CALL OF THE SENATE.

Mr. Spellacy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Further proceedings under the call were dispensed with.

Mr. Dixon moved to take a recess until eight o'clock p. m.

REPORTS OF STANDING COMMITTEES.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 390—An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Also, Senate Bill No. 194—A bill for an Act to be entitled "An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon."

Also, Senate Bill No. 656—Entitled "An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature."

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 651 and 647; also, Substitute for Senate Bills Nos. 188, 180, and 596.

HAMILL, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

SACRAMENTO, CAL., March 2, 1889.

Senate Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, to Luke Kavanaugh, debtor, in the matter of the Yosemite investigation:

To seven days as stenographer, at \$10	\$70 00
To one thousand six hundred and thirty-eight folios, at 20 cents	327 00
Total	\$397 60

Approved: MEANY, Chairman.

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of three hundred and ninety-seven dollars and sixty cents, for reporting and transcribing the testimony taken before the Senate Committee on Forestry and Yosemite Valley and Mariposa Big Tree Grove, and the Controller is hereby directed to draw his warrant in favor of said Luke Kavanaugh for the said sum of three hundred and ninety-seven dollars and sixty cents, payable from the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 70—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 644—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 581—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also, Senate Bill No. 641—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

RECESS.

Upon Mr. Dixon's motion, at six o'clock the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSErs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hewcock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Mr. Bowers in the chair.

CONSIDERATION OF ASSEMBLY BILL No. 8—(RESUMED).

Question being upon Assembly Bill No. 8.

Mr. Goucher moved the previous question.

Mr. Heacock raised a point of order under Rule Fifty.

The Chair sustained the point.

Assembly Bill No. 8 read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, Flint, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—27.

NOES—MESSRS. Bowers, Caminetti, Campbell, De Long, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, Preston, and White—13.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Boggs gave notice that, on to-morrow, he would move a reconsideration of the vote whereby Assembly Bill No. 8 passed the Senate.

QUESTION OF PRIVILEGE.

Mr. Goucher arose to a question of privilege, regarding promises made by Messrs. Boggs and Caminetti.

MOTIONS.

Mr. Goucher moved that when the Senate adjourns it do so until twelve o'clock and seven minutes A. M.

Mr. McComas moved that the Orange County Bill be made the special order for ten o'clock and ten minutes A. M. to-morrow.

Upon Mr. McComas' motion, the ayes and noes were demanded by Messrs. Meany, Goucher, and Roth, with the following result:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—Mr. Goucher—1.

Mr. Murphy moved, as an amendment, that the Senate adjourn at ten o'clock P. M.

The motion prevailed by the following vote:

AYES—MESSRS. Boggs, Britt, Byrnes, Caminetti, Campbell, Dixon, Dray, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, Murphy, Preston, Welch, White, Williams, and Yell—20.

NOES—MESSRS. Banks, Bowers, Briceland, Conklin, Crandall, Dargie, De Long, Flint, Goucher, Greely, McComas, McGowan, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, and Wilson—19.

LEAVE OF ABSENCE.

Leave of absence was granted Mr. Goucher for the rest of the day.

SPECIAL ORDER.

Assembly Bill No. 496—An Act appropriating the sum of two hundred and five thousand dollars for the erection of additional buildings at Agnew for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

Read second time, and ordered to a third reading.

Senate Joint Resolution No. 5—Approving the charter of the City of San Diego, in San Diego County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the second day of March, 1889.

Read by the Secretary, and adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Spellacy, Welch, Williams, Wilson, and Yell—31.

NOES—None.

SPECIAL FILE.

Assembly Bill No. 549—An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen, of the Political Code of the State of California, relating to the definition of terms.

Read second time, and ordered for third reading on special file.

THIRD READING OF BILLS.

Substitute for Senate Bill No. 484—An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Pinder, Welch, Williams, Wilson, and Yell—26.

NOES—None.

Title read and approved.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 56—An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school textbooks.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—32.

NOES—None.

Title read and approved.

MOTION TO RECONSIDER.

Mr. Caminetti moved to reconsider the vote by which Substitute for Senate Bill No. 291 was refused passage by the Senate.

MOTION.

Mr. Caminetti moved that the hour of adjournment be extended fifteen minutes.

So ordered.

RESOLUTION—(OUT OF ORDER).

By Mr. Williams:

Resolved, That Assembly Bill No. 211 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Fraser, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Murphy, Pinder, Preston, Roth, Sprague, Welch, and Williams—24.

NOES—None.

MOTION TO RECONSIDER CARRIED.

The question being upon Mr. Caminetti's motion to reconsider, the same prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Sprague, Welch, and Yell—28.

NOES—Messrs. Banks, Crandall, and Meany—3.

Substitute for Senate Bill No. 291 (No. 6 on file) passed on file.

MOTION.

Mr. Heacock moved to take up Assembly messages.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 655—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 659—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Ordered to enrollment.

RESOLUTION.

By Mr. Welch:

Resolved, That Assembly Bill No. 178 (No. 53 on file) be read second time.

Adopted.

SECOND READING OF BILL.

Assembly Bill No. 178—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Read second time.

Mr. Meany moved to amend by striking out of section one, line three, the figures "\$5,345 45," and inserting the following: "\$50,345 45."

Adopted.

MOTIONS.

Mr. Spellacy moved that the hour of adjournment be postponed until the matter under consideration was disposed of.

So ordered.

Mr. Caminetti moved that the vote whereby the resolution in relation to Postmistress passed the Senate be reconsidered, and asked that it be postponed until to-morrow.

So ordered.

Assembly Bill No. 178 ordered engrossed and to a third reading.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Mr. Crandall, the Senate stood adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 7, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of Monday approved.

MOTION.

Mr. Murphy moved to recall Assembly Bill No. 90 from the Assembly.
So ordered.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your committee appointed to meet with a like committee of the Assembly for the purpose of suggesting some plan by which legislation can be accomplished, beg leave to report that they have met in joint session, and after due consideration recommend, as the only means by which the labors of the Senate and Assembly can result in legislation, the adoption of the following:

Resolved by the Senate and Assembly, That the Senate take final action upon all Assembly Bills which heretofore have or hereafter shall reach the Senate, and that the Assembly take final action upon all Senate Bills which heretofore have or which shall hereafter reach the Assembly; be it further

Resolved, That the Senate and Assembly take final action upon all bills now upon the special file, upon third-reading general file, and such bills as are at the present special orders; provided, nothing in the above shall prevent the right of any member substituting any bill not included in the above, for one included in the above, by a majority vote of the House in which said bill is pending, the bill for which another is substituted being dropped from the file.

BRITT,
CAMINETTI,
McGOWAN,
Committees.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignment for the benefit of creditors.

Also, Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Also, Senate Concurrent Resolution No. 12—Relative to the matter of the payment of Indian depredation claims.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

SPECIAL ORDER POSTPONED.

Upon motion of Mr. Wilson, the special order set for this time was postponed until after the Orange County Bill.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 6, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 194—An Act to provide a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and erect suitable buildings thereon, and making an appropriation therefor.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 6, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 390—An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grand Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof.

Also, Senate Bill No. 656—An Act to appropriate money for the contingent expenses of Senate for the twenty-eighth session of the Legislature.

R. W. WATERMAN, Governor.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 11.

Assembly Constitutional Amendment No. 11—Constitutional Amendment.—Proposed amendment to article thirteen of the Constitution, relative to assessments.

Upon motion of Mr. Fraser, the amendment was referred to a committee of one, consisting of Mr. Caminetti, to prepare amendments.

THIRD READING OF BILLS—SPECIAL FILE.

Assembly Bill No. 452—An Act to authorize County Surveyors to survey the unsurveyed lands of the State of California.

Read third time.

Mr. Heacock moved to commit to a committee of one, consisting of himself, with instructions to amend, as follows:

In section one, line five, amend by inserting after the word "cultivation," the following: "and for which there is no outstanding patent or patents, valid certificate or certificates of purchase."

Also, in section two, line one, amend by inserting after the words "United States," the following: "or the State of California."

Also, amend section three by adding the following: "And in all cases actual settlers and those having valuable improvements on such lands shall have the preference for the space of sixty days after the approval of such survey in which to make such applications, before any other parties shall be allowed to make such application, and no person shall be allowed to purchase more than three hundred and twenty acres."

Also, amend title so as to read as follows:

"An Act to provide for the survey and sale of certain State lands, and appropriating money to pay the expenses of such survey."

So ordered.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 452, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

HEACOCK, Select Committee.

Adopted.

Bill ordered reprinted.

Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections.

Read third time.

Mr. De Long moved to commit the bill to a committee of one, to consist of Mr. Heacock, with instructions to amend, as follows:

Amend by striking out of section three, line two, the word "two" and inserting the word "one."

Also, amend the title by striking out all of the title as in printed Senate Bill No. 596, and inserting the following in lieu thereof: "An Act to provide for the application for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same."

So ordered.

The committee submitted the following report:

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 596, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

HEACOCK, Select Committee.

Adopted.

Bill ordered reprinted.

Mr. Goucher moved to place Senate Bill No. 117 on special second-reading file.

So ordered.

Assembly Bill No. 11—An Act making appropriations for the purchase of an electric plant, pump and pipes, sewer pipes, necessary wheels for util-

izing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Assembly Bill No. 324—An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—29.

NOES—Mr. Langford—1.

Title read and approved.

Senate Bill No. 651—An Act for the relief of Patrick Creighton.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Pinder, Roth, Sprague, Welch, Williams, and Yell—26.

NOES—Messrs. Caminetti, Heacock, Hinshaw, Langford, White, and Wilson—6.

Title read and approved.

MOTION.

Mr. Murphy moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, returns Assembly Bill No. 90—An Act to increase the number of Judges of the Superior Court of Los Angeles, State of California, and for the appointment of such additional Judges—in pursuance with the request of your honorable body.

ED. E. LEAKE, Chief Clerk.

THIRD READING OF BILL.

Assembly Bill No. 90, which was recalled from the Assembly, was read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

MOTION.

Mr. Goucher moved to take up the vote whereby Assembly Bill No. 8—An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization—passed the Senate.

So ordered.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

Upon roll call, the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, and Yell.

The Sergeant-at-Arms reported Messrs. Wilson, Hamill, and Pinder before the bar of the Senate.

Upon motion of Mr. Roth they were excused.

Mr. Goucher moved to dispense with further proceedings under the call of the Senate.

So ordered.

PREVIOUS QUESTION.

Mr. Goucher moved the previous question.

So ordered.

RECONSIDERATION LOST.

The roll was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Boggs, Caminetti, Campbell, De Long, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, Preston, White, and Yell—14.

NOES—Messrs. Banks, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, Goucher, Greely, Hamill, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—24.

Mr. Flint was paired with Mr. Bowers.

Mr. Goucher in the chair.

SPECIAL ORDER.

Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Read third time.

Mr. Wilson moved that the bill be committed to a committee of one, consisting of Mr. McComas, to make amendments.

So ordered.

MOTION.

Mr. Heacock moved that the hour of recess be extended until one o'clock and fifteen minutes P. M.

So ordered.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bill No. 69 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that the said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, White, Wilson, and Yell—31.

NOES—None.

SECOND READING OF BILLS.

Substitute for Assembly Bill No. 69—An Act to amend sections two, three, four, five, seven, eight, nine, twelve, thirteen, nineteen, twenty-four, twenty-six, thirty-four, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called section twelve and one half.

Bill read second time, and amended, as follows:

By Mr. Murphy:

Amend line three, section three, printed bill, by striking out the words "one day" and substituting therefor the words "two days."

Adopted.

Also, amend line thirteen, section three, printed bill, by striking out the word "five" and substituting therefor the word "six."

Adopted.

Also, amend line six, section three, printed bill, by striking out the words "one day" and substituting therefor "two days."

Adopted.

Also, amend line five, section four, printed bill, by striking out the word "and" and substituting therefor the word "the," beginning a new sentence therewith.

Adopted.

Also, amend line six, section four, printed bill, by inserting, after the word "done," the words "and referring to the notice and specifications posted."

Adopted.

Also, amend line seven, section four, printed bill, by substituting for the word "five" the word "two."

Adopted.

Also, amend line thirty-nine, section four, printed bill, by substituting for the word "five" the word "two."

Adopted.

Also, amend line seventy-six, section four, printed bill, by adding to the word "Act" the clause "and such other notices as may be deemed requisite by the City Council."

Adopted.

Also, amend section fourteen by adding in line twenty-eight, printed bill, after the word "issued," the clause "and no other statute shall govern or be applicable to the publications herein provided for."

Adopted.

Mr. Moffitt offered the following amendments:

Add to title after section twelve and a half the following: "relating to the payment for work in installments."

Adopted.

In line four, section two, page two, strike out the word "twelve" and insert the word "thirty-four."

Adopted.

In line twenty-six, section two, page two, strike out the words "done by" and insert the words "done after."

Adopted.

In line twenty-eight, section two, page two, strike out the word "such" and insert the word "each."

Adopted.

In line sixty-three, section two, page three, strike out the words "and the Act of which it is amendatory."

Adopted.

In line twenty-three, section four, page five, after the word "Mayor," also following in line twenty-four, after the word "him," insert the words "or a three-fourths vote of the City Council."

Adopted.

In line forty-four, section four, page six, strike out the word "twelve" and insert the word "thirty-four."

Adopted.

In line eleven, section five, page seven, strike out the words "eight of this Act and section thirteen of the Act of which this is amendatory," and insert the words "thirteen of this Act."

Adopted.

In lines thirteen and fourteen, section five, page seven, strike out "said Act, approved March 18, 1885, and of which this Act is amendatory," and insert the words "of this Act."

Adopted.

In line four, section eight, page twelve, strike out the words "of the Act of which this Act is amendatory," and insert the words "of this Act."

Adopted.

In line seven, section ten, page fourteen, strike out the words "if occupied."

Adopted.

In lines three and four, section thirteen, page fifteen, strike out the words "or the Act of which this is amendatory."

Adopted.

In line twenty, page sixteen, section fourteen, insert the words "in whole or in part" after the word "paving."

Adopted.

In lines thirty-five and thirty-six, section fourteen, page sixteen, strike out "or the Act of which it is amendatory."

Adopted.

At the end of section fourteen, page seventeen, insert new subdivision, as follows:
"Fourteen—References in certain sections by number to certain other sections of this Act refer to the numbers of the sections of the original Act, unless it appear from the context that the reference is to the section of the amendatory Act, when it shall be construed according to the context."

Adopted.

In line five, section fifteen, page eighteen, insert the words "in whole or in part" after the word "paving."

Adopted.

Substitute for Assembly Bill No. 69 ordered reprinted, amendments engrossed, and to a third reading.

Amendments by committee of one, to Assembly Bill No. 61:

Amend section two by inserting in line two of said section of printed bill the word "of" between the word "month" and the word "coyote."

Also, amend section eight by striking out the word "and," in line eighteen of engrossed bill, and insert in lieu thereof the word "said," immediately before the word "transcript."

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee to whom was referred Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

McCOMAS, Select Committee.

Mr. Wilson moved that Assembly Bill No. 61, with the amendments made by select committee, be printed, and made the special order for to-morrow, at ten o'clock and ten minutes A. M.

So ordered.

RECESS.

At twelve o'clock and thirty minutes P. M. the Senate took the usual recess.

REASSEMBLED.

The Senate met after recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spelacy, Sprague, Welch, White, and Wilson.

Quorum present.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, March 6, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 574—An Act to amend sections three thousand four hundred and forty-nine, three thousand four hundred and fifty-one, three thousand four hundred and fifty-eight, three thousand four hundred and sixty-two, three thousand four hundred and sixty-five, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, and three thousand four hundred and seventy-three of the Civil Code of the State of California, all in relation to assignments for the benefit of creditors.

R. W. WATERMAN, Governor.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Tuesday, March 5, 1889, passed Senate Bill No. 574. Upon a vote of the Assembly, the bill was ordered to be transmitted to the Senate immediately. At the evening session, and after the transmission of said bill, Mr. Whitehurst gave notice of reconsideration. On Wednesday, the motion to reconsider was continued until Thursday. On this day, I am directed by the Assembly to request your honorable body to return said bill, if in your possession, and if not, that you take such action as will cause it to be returned.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 658—An Act to provide an appropriation for the contingent expenses of the Assembly.

Also, Senate Bill No. 653—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

Also, Assembly Concurrent Resolution No. 3—Relative to the storage of waters in the Sierra Nevada.

Also, Senate Concurrent Resolution No. 14—Relative to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 653 was ordered to enrollment.

Assembly Concurrent Resolution No. 3 was referred to Committee on Irrigation.

Senate Concurrent Resolution No. 14 was ordered to enrollment.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bill No. 658 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon this day, and placed upon its passage.

Adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Pinder, Preston, Roth, Welch, White, Williams, and Yell—31.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 658.

Assembly Bill No. 658 read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Pinder, Welch, White, Williams, and Yell—28.

NOES—None.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill, No. 661—An Act to appropriate money for the pay of the officers and clerks of the Assembly for the twenty-eighth session of the Legislature.

Also, Assembly Bill No. 662—An Act to appropriate money for the pay of the officers and clerks of the Senate for the twenty-eighth session of the Legislature.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

By Mr. Pinder:

Resolved, That Assembly Bills Nos. 661 and 662 present a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills, and each thereof, be read the first, second, and third times upon this day, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Welch, White, Williams, and Wilson—32.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILLS.

Assembly Bill No. 661—An Act to appropriate money for the pay of the officers and clerks of the Assembly for the twenty-eighth session of the Legislature.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Assembly Bill No. 662—An Act to appropriate money for the pay of the officers and clerks of the Senate for the twenty-eighth session of the Legislature.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

SUBSTITUTION OF BILL.

Senate Bill No. 452 withdrawn, and Assembly Bill No. 367 substituted therefor.

Assembly Bill No. 367—An Act relating to the time of commencement of actions for the recovery of real property.

Read first time, and ordered on file for second reading.

REPORTS OF STANDING COMMITTEES.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed:

Senate Bills Nos. 256 and 485.

Also, Substitute for Senate Bill No. 484.

Also, Assembly Bills (amendment to) Nos. 326, 97, and 405.

Also, Senate Bill No. 322 and Substitute for Senate Bill No. 596.
Also, Senate Bills Nos. 636, 293, 519, 443, 616, 169, and 82.

HAMILL, Chairman.

ON RULES—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Rules beg leave to report that the resolution of Senator Williams to amend Rule Twenty-four by adding after the word "spoken" the following: "and no Senator shall speak for a longer period than five minutes at one time," has been considered by your said committee, and your said committee does recommend that the same be adopted.

HAMILL, Chairman.

MOTION.

Mr. Williams moved a call of the Senate.

Lost.

RESOLUTION LOST.

Upon the adoption of the resolution the roll was called, and the same was lost by the following vote:

AYES—Messrs. Banks, Briceland, Crandall, Dargie, Dixon, Flint, Fraser, Hamill, Heacock, Jones, McDonald, Murphy, Preston, Sprague, Welch, White, and Williams—17.

NOES—Messrs. Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dray, Goucher, Greely, Hinshaw, Langford, McGowan, Mead, Meany, Pinder, Roth, Wilson, and Yell—19.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON BANKS AND BANKING.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 196—have had the same under consideration, and respectfully report the same back, without recommendation.

BOGGS, Chairman.

SPECIAL ORDER.

Consideration of Governor's messages relating to appointments.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 17, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the twenty-seventh session of the Legislature I have made the following appointments, and respectfully request the consent of the Senate to the same:

September 17, 1887—Columbus Bartlett, Regent of the State University, vice William Ashburner, deceased.

September 28, 1887—W. H. Dimond, Major-General, vice Walter Turnbull, resigned.

John T. Cutting, Brigadier-General, Second Brigade, vice W. H. Dimond, promoted.

Pilot Commissioners for San Francisco: E. W. Travers, vice A. C. Freese, removed; Oliver Eldridge, vice Martin Bulger, removed.

October 3, 1887—David W. Weldt, Pilot for the Port of Wilmington, vice John Hamilton, failed to qualify.

October 13, 1887—Joseph D. Redding, Fish Commissioner, vice Joseph Routier, removed.

October 17, 1887—T. W. Sheehan, Brigadier-General, Fourth Brigade, vice John T. Carey, resigned.

October 22, 1887—Regents of the State University: John F. Swift, vice self, failed to qualify; John L. Beard, vice self, failed to qualify; John S. Hager, vice self, failed to qualify; Horatio Stebbins, vice self, failed to qualify; A. S. Hallidie, vice self, failed to qualify; J. West Martin, vice self, failed to qualify.

October 24, 1887—J. J. Scrivner, State Prison Director, vice John Boggs, failed to qualify.

November 14, 1887—Jno. K. Luttrell, State Prison Director, vice Jas. H. Wilkins, resigned.

November 17, 1887—A. S. Hallidie, Regent of the State University, vice self, failed to qualify.

Wm. H. Pringle, Pilot Commissioner, San Diego, vice self, failed to qualify.

Members of the State Board of Health: R. Beverly Cole, vice self, failed to qualify; H. C. Crowder, vice self, failed to qualify.

November 23, 1887—John K. McLean, Director of the Deaf, Dumb, and Blind Asylum, vice R. A. Redman, term expired.

December 3, 1887—John Dillingham, Port Warden, San Diego.

December 29, 1887—W. F. Knox, Trustee of the State Burial Ground, vice Daniel Brown, deceased.

January 3, 1888—Directors of the State Insane Asylum at Stockton: Robert Watt, vice self, term expired; H. T. Dorrance, vice J. K. Doak, term expired; Arthur Thornton, vice Chas. H. Randall, term expired.

E. J. De Pue, State Prison Director, vice J. A. Filcher, term expired.

Members of the State Board of Health: H. S. Orme, vice self, term expired; W. R. Cluness, vice self, term expired; J. M. Briceland, vice self, term expired; R. Beverly Cole, vice self, term expired; C. A. Ruggles, vice H. C. Crowder, term expired.

February 3, 1888—John K. Orr, Fish Commissioner, vice J. Downey Harvey, removed.

March 1, 1888—James F. Houghton, Regent of the State University, vice A. L. Rhodes, term expired.

March 9, 1888—Charles F. Crocker, Regent of the State University, vice John F. Swift, term expired.

Charles Josselyn, Fish Commissioner, vice T. J. Sherwood, resigned.

April 12, 1888—John W. Coleman, Director of the Deaf, Dumb, and Blind Asylum, vice J. A. Stanley, resigned.

May 26, 1888—Henry H. Boyce, Brigadier-General, First Brigade, vice John R. Mathews, resigned.

September 13, 1888—Obad Harvey, Director of the State Insane Asylum at Stockton, vice H. N. Rucker, resigned.

October 1, 1888—George C. Perkins, Director of the Deaf, Dumb, and Blind Asylum, vice George E. Whitney, resigned.

November 17, 1888—J. R. Laine, member of the State Board of Health, vice G. G. Tyrrell, term expired.

Directors of the State Insane Asylum at Napa:

February 1, 1888—J. F. Lamdin, vice W. F. Henning, term expired.

March 1, 1888—Benjamin Shurtleff, vice self, term expired.

March 31, 1888—John Q. Brown, vice self, term expired.

Trustees of the California Hospital for the Chronic Insane:

December 27, 1887—Archibald McDonald, vice J. F. Cunningham, term expired; J. H. Barbour, vice L. Leon, term expired; E. F. Dolger, vice H. H. Main, term expired.

May 14, 1888—W. D. Tisdale, vice J. H. Barbour, resigned.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Columbus Bartlett as Regent of the State University, vice William Ashburner, deceased?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—35.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Columbus Bartlett as Regent of the State University duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. H. Dimond as Major-General, vice Walter Turnbull, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—34.

NOES—None.

Whereupon, the President pro tem. announced the appointment of W. H. Dimond as Major-General duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John T. Cutting as Brigadier-General, Second Brigade, vice W. H. Dimond, promoted?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw,

Jones, McComas, McGowan, Mead, Meany, Preston, Roth, White, Williams, Wilson, and Yell—30.

NOES—Mr. Pinder—1.

Whereupon, the President pro tem. announced the appointment of John T. Cutting as Brigadier-General, Second Brigade, duly confirmed.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Spellacy at the bar of the Senate.

Upon motion, he was excused.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms reported Mr. Dargie at the bar of the Senate.

Upon motion, he was excused.

Mr. Heacock moved that further proceedings under the call be dispensed with.

So ordered.

MOTIONS.

Mr. Heacock moved that in considering Governor's appointments no pairs be recognized upon the votes being taken, with the exception of Messrs. Moffitt and Dargie, who had previously paired—Mr. Moffitt being absent from the city.

Mr. Dargie moved to postpone action upon the appointment of Pilot Commissioners until to-morrow, at two o'clock and fifteen minutes P. M.

Declared out of order.

The question recurring upon Mr. Heacock's motion, the roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Welch, White, and Williams—28.

NOES—Messrs. Hamill, Spellacy, Wilson, and Yell.

CONSIDERATION OF APPOINTMENTS—(RESUMED).

Upon the question, "Will the Senate advise and consent to the appointment of E. W. Travers as Pilot Commissioner for San Francisco, vice A. C. Freese, removed?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, and Sprague—18.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—22.

Whereupon, the Senate refused to advise and consent to the appointment of E. W. Travers as Pilot Commissioner for San Francisco, vice A. C. Freese, removed.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to confirm the nomination of E. W. Travers.

Upon the question, "Will the Senate advise and consent to the appointment of Oliver Eldridge as Pilot Commissioner for San Francisco, vice Martin Bulger, removed?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, and Sprague—18.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—22.

Whereupon, the Senate refused to advise and consent to the appointment of Oliver Eldridge as Pilot Commissioner for San Francisco, vice Martin Bulger, removed.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to advise and consent to the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of David W. Weldt as Pilot of the Port of Wilmington, vice John Hamilton, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—38.

NOES—None.

Whereupon, the President pro tem. announced the appointment of David W. Weldt as Pilot for the Port of Wilmington, vice John Hamilton, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Joseph D. Redding as Fish Commissioner, vice Joseph Routier, removed?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Dargie, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—17.

NOES—Messrs. Briceland, Britt, Caminetti, Crandall, De Long, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—21.

Whereupon, the Senate refused to advise and consent to the appointment of Joseph D. Redding as Fish Commissioner, vice Joseph Routier, removed.

Mr. De Long gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to advise and consent to the appointment of J. D. Redding.

CALL OF THE SENATE.

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. Meany at the bar of the Senate.

Upon motion, Mr. Meany was excused.

The Sergeant-at-Arms reported Messrs. Pinder and McDonald.

Upon motion, the Senators were excused.

Mr. Yell moved that further proceedings under the call be dispensed with.

So ordered.

MOTION.

Mr. Yell moved that any Senator absenting himself without leave during the consideration of the Governor's appointments be fined five dollars.

So ordered.

Upon the question, "Will the Senate advise and consent to the appointment of T. W. Sheehan as Brigadier-General, Fourth Brigade, vice John T. Carey, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—40.

NOES—None.

Whereupon, the President pro tem. announced the appointment of T. W. Sheehan as Brigadier-General, Fourth Brigade, vice John T. Carey, resigned, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John F. Swift as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—38.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John F. Swift as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John L. Beard as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—38.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John L. Beard as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John S. Hager as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—40.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John S. Hager as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Horatio Stebbins as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—39.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of Horatio Stebbins as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. S. Hallidie as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—38.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of A. S. Hallidie as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. West Martin as Regent of the State University, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—36.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of J. West Martin as Regent of the State University, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of William H. Pringle as Pilot Commissioner for San Diego, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—38.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of William H. Pringle as Pilot Commissioner for San Diego, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of R. Beverly Cole as member of the State Board of Health, vice self, failed to qualify?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—38.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of R. Beverly Cole as member of the State Board of Health, vice self, failed to qualify, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John K. McLean as Director of the Deaf, Dumb, and Blind Asylum, vice R. A. Redman, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—39.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John K. McLean as Director of the Deaf, Dumb, and Blind Asylum, vice R. A. Redman, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John Dillingham as Port Warden at San Diego?" the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—37.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John Dillingham as Port Warden at San Diego duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. F. Knox as Trustee of the State Burial Ground, vice Daniel Brown, deceased?" the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—38.

NOES—None.

Whereupon, the President pro tem. announced the appointment of W. F. Knox as Trustee of the State Burial Ground, vice Daniel Brown, deceased, duly confirmed.

Upon the question, "Will the Senate advise and consent to the nomination of Robert Watt as Director of the State Insane Asylum at Stockton, vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—40.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Robert Watt as Director of the State Insane Asylum at Stockton, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of H. T. Dorrance as Director of the State Insane Asylum at Stockton, vice J. K. Doak, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—36.

NOES—None.

Whereupon, the President pro tem. announced the appointment of H. T. Dorrance as Director of the State Insane Asylum at Stockton, vice J. K. Doak, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Arthur Thornton as Director of the State Insane Asylum at Stockton, vice Charles H. Randall, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Spellacy, Sprague, Welch, White, and Yell—34.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Arthur Thornton as Director of the State Insane Asylum at Stockton, vice Charles H. Randall, term expired, duly confirmed.

Also, the following message from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA. }
SACRAMENTO, February 18, 1889. }

To the Senate of the State of California:

I herewith inform your honorable body that I have, this day, appointed E. J. De Pue State Prison Director, vice Cornelius O'Connor, declined.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of E. J. De Pue as State Prison Director, vice J. A. Filcher, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—Messrs. McDonald, Murphy, and Pinder—3.

Whereupon, the President pro tem. announced the appointment of E. J. De Pue as State Prison Director, vice J. A. Filcher, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of H. S. Orme as member of the State Board of Health, vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—None.

Whereupon, the President pro tem. announced the appointment of H. S. Orme as member of the State Board of Health, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. R. Cluness as member of the State Board of Health, vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Whereupon, the President pro tem. announced the appointment of W. R. Cluness as member of the State Board of Health, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of R. Beverly Cole as member of the State Board of Health, vice self, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Whereupon, the President pro tem. announced the appointment of R. Beverly Cole as a member of the State Board of Health, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of C. A. Ruggles as member of the State Board of Health, vice H. C. Crowder, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.

NOES—None.

Whereupon, the President pro tem. announced the appointment of C. A. Ruggles as member of the State Board of Health, vice H. C. Crowder, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John K. Orr as Fish Commissioner, vice J. Downey Harvey, removed?"

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

The Sergeant-at-Arms reported Mr. McGowan at the bar of the Senate. Upon motion, he was fined five dollars.

The fine being paid, the judgment of the Senate was satisfied.

Further proceedings under the call of the Senate were dispensed with.

The question being upon the confirmation of J. K. Orr, the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, and Sprague—17.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—22.

Whereupon, the Senate refused to advise and consent to the appointment of John K. Orr as Fish Commissioner, vice J. Downey Harvey, removed.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to confirm the appointment of J. K. Orr.

Upon the question, "Will the Senate advise and consent to the appointment of James F. Houghton as Regent of the State University, vice A. L. Rhodes, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of James F. Houghton as Regent of the State University, vice A. L. Rhodes, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Charles F. Crocker as Regent of the State University, vice John F. Swift, term expired?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of Chas. F. Crocker as Regent of the State University, vice John F. Swift, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Charles Josselyn as Fish Commissioner, vice T. J. Sherwood, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of Charles Josselyn as Fish Commissioner, vice T. J. Sherwood, resigned, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John W. Coleman as Director of the Deaf, Dumb, and Blind Asylum, vice J. A. Stanley, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of John W. Coleman as Director of the Deaf, Dumb, and Blind Asylum, vice J. A. Stanley, resigned, duly confirmed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, February 19, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, appointed E. P. Johnson Brigadier-General, First Brigade, vice H. H. Boyce, withdrawn.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of E. P. Johnson as Brigadier-General, First Brigade, vice John R. Mathews, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Whereupon, the President pro tem. announced the appointment of E. P. Johnson as Brigadier-General, First Brigade, vice John R. Mathews, resigned, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Obed Harvey as Director of the State Insane Asylum at Stockton, vice H. N. Rucker, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Obed Harvey as Director of the State Insane Asylum at Stockton, vice H. N. Rucker, resigned, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of George C. Perkins as Director of the Deaf, Dumb, and Blind Asylum, vice George E. Whitney, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—38.

NOES—None.

Whereupon, the President pro tem. announced the appointment of George C. Perkins as Director of the Deaf, Dumb, and Blind Asylum, vice George E. Whitney, resigned, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. R. Laine as a member of the State Board of Health, vice G. G. Tyrrell, term expired?"

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Mr. Goucher moved that further proceedings under the call be dispensed with.

Roll call demanded by Messrs. Wilson, Fraser, and Dray.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Britt, Byrnes, Caminetti, Campbell, Dargie, Goucher, Hamill, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—21.

NOES—Messrs. Banks, Boggs, Briceland, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, McGowan, Preston, and Wilson—15.

The question being on the confirmation of J. R. Laine, the roll was called, with the following result:

AYES—Messrs. Banks, Bowers, Byrnes, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and White—17.

NOES—Messrs. Boggs, Briceland, Britt, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, Williams, Wilson, and Yell—21.

Whereupon, the Senate refused to advise and consent to the appointment of J. R. Laine as member of the State Board of Health, vice G. G. Tyrrell, term expired.

Mr. Wilson gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate refused to confirm J. R. Laine.

RECESS.

At five o'clock and five minutes, on motion of Mr. Murphy, the Senate took a recess until eight o'clock and thirty minutes P. M.

REASSEMBLED.

At eight o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson.

Quorum present.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 319.

HAMILL, Chairman.

MOTIONS.

Mr. Crandall moved that the fine against Mr. McGowan be remitted, that the action of the Senate in regard thereto be rescinded, and that the money be returned.

So ordered.

Mr. Murphy moved that the consideration of that part of the Governor's message relative to the confirmation of Frederick Arnold as Director of Stockton Asylum be made a special order for to-morrow, at three o'clock and thirty minutes P. M.

So ordered.

Messrs. Jones, Yell, and Mead were excused.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 143—An Act directing the transcription of all matters of record in the office of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito by Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties equitably chargeable to San Benito County, approved March 11, 1887.

Also, Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year.

Also, Senate Bill No. 659—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof approved March 4, 1857, April 18, 1862, and April 2, 1866.

Also, Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Also, Senate Bill No. 259—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year.

Also, Senate Bill No. 655—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Also, Senate Concurrent Resolution No. 1—Relating to the opening for settlement of Klamath River Indian Reservation.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

CONSIDERATION OF GOVERNOR'S MESSAGES RELATING TO APPOINTMENTS— (RESUMED).

Upon the question, "Will the Senate advise and consent to the appointment of J. F. Lamdin as Director of the State Insane Asylum at Napa, vice W. F. Henning, term expired?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Williams, and Wilson—32.

NOES—None.

Whereupon, the President pro tem. announced the appointment of J. F. Lamdin as Director of the State Insane Asylum at Napa, vice W. F. Henning, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Benjamin Shurtleff as Director of the State Insane Asylum at Napa, vice self, term expired?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Williams, and Wilson—30.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Benjamin Shurtleff as Director of the State Insane Asylum at Napa, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John Q. Brown as Director of the State Insane Asylum at Napa, vice self, term expired?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Moffitt, Pinder, Roth, Spellacy, Sprague, Williams, and Wilson—25.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John Q. Brown as Director of the State Insane Asylum at Napa, vice self, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Archibald McDonald as Trustee of the California Hospital for the

Chronic Insane, vice J. F. Cunningham, term expired?" the roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Byrnes, Conklin, Crandall, Dargie, De Long, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Pinder, Preston, Roth, Sprague, Williams, and Wilson—23.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of Archibald McDonald as Trustee of the California Hospital for the Chronic Insane, vice J. F. Cunningham, term expired, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. D. Tisdale as Trustee of the California Hospital for the Chronic Insane, vice J. H. Barbour, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellaey, Sprague, Williams, and Wilson—29.
 NOES—None.

Whereupon the President pro tem. announced the appointment of W. D. Tisdale as Trustee of the California Hospital for the Chronic Insane, vice J. H. Barbour, resigned, duly confirmed.

Mr. Goucher in the chair.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, January 17, 1889.

To the Senate of the State of California:

I respectfully withdraw the following appointment: John K. Luttrell, State Prison Director, vice J. H. Wilkins, resigned.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, January 17, 1889.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have made the following appointment, and respectfully request the consent of the Senate to the same: Joseph Craig, State Prison Director, vice J. K. Luttrell, withdrawn.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, January 28, 1889.

To the Senate of the State of California:

I herewith inform your honorable body that I have appointed V. Koch, of San José, a Director of the California Hospital for the Chronic Insane, vice E. F. Delger, resigned.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, February —, 1889.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed A. E. Shattuck and Cornelius O'Connor Directors of the State Prison, vice J. J. Scrivner and E. J. De Pue, withdrawn.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, February 26, 1889.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, made the following appointments, and respectfully ask the consent of the Senate to the same:

Regents of the State University—Albert Miller, vice self; term expires March 19, 1890. Arthur Rodgers, vice self; term expires March 1, 1890.

Directors State Insane Asylum, Stockton—L. M. Cutting, vice J. D. McDougall; term expires March 5, 1889. O. Harvey, vice self; term expires March 5, 1889. A. Thornton, vice self; term expires March 5, 1889.

Trustees Asylum for Chronic Insane—B. D. Murphy, vice J. W. Galley; term expires October 26, 1889. O. A. Hale, vice C. H. Maddox; term expires October 26, 1889.

Trustees for Home of Feeble-Minded Children—C. A. Murdock, vice J. Widney; term expires March 27, 1889. W. Harney, vice self; term expires March 27, 1889.

Directors Napa Insane Asylum—J. C. Martin, vice self; term expires April 2, 1890. H. H. Knapp, vice George N. Cornwall; term expires April 2, 1890. J. F. Laundin, vice self; term expires April 2, 1890.

Insurance Commissioner—J. N. E. Wilson, vice J. C. L. Wadsworth; term expires April 5, 1890.

Port Warden, San Francisco—John Martin, vice self; term expires January 18, 1890.

Board of State Harbor Commissioners—C. O. Alexander, vice John H. Wise; term expires March 13, 1889. W. H. Brown, vice A. C. Paulsell; term expires March 12, 1890.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1889. }

To the Senate of the State of California:

I herewith respectfully inform your honorable body that I have, this day, withdrawn the name of L. M. Cutting as a Director of the Insane Asylum at Stockton.

R. W. WATERMAN, Governor.

CONFIRMATION OF APPOINTMENTS—(RESUMED).

Upon the question, "Will the Senate advise and consent to the appointment of Joseph Craig as State Prison Director, vice J. K. Luttrell, withdrawn?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McDonald, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, and Wilson—26.

NOES—Messrs. Byrnes, Conklin, Crandall, and Williams—4.

Whereupon, the President announced the appointment of Joseph Craig as State Prison Director duly confirmed.

Mr. Sprague explained his vote, as follows:

I do not wish to take up the time in any useless discussion that I know will have no weight with any one in this Senate, but because I at this time desire to expressly declare my reasons for voting as I intend to vote. I do not desire what I say to be construed as any reflection upon the judgment of the Executive Officer of this State, but, Mr. President, I come from the County of Yolo. I have lived in the County of Yolo for twenty-five years. I know every man, woman, and child in that county. Mr. Craig has lived there for ten years, and I have known him for that length of time. I know the relationship in which he is held. Now, Mr. President, coming here as a sworn advisory officer to the Governor, and I consider his act simply in the light of a mistake, I desire at this time, knowing what the sentiment is in Yolo County where that gentleman is known, where they are personally acquainted with him, as I am myself, I simply desire to do what I know to be my honest duty in the matter. There are Senators upon this floor that know it is my honest duty in the matter to vote against this confirmation. In doing that I specially disclaim any discourtesy to the General Executive Officer of this State.

Mr. Sprague gave notice that, on to-morrow, he would move to reconsider the vote by which the Senate confirmed the appointment of Joseph Craig.

Upon the question, "Will the Senate advise and consent to the appointment of V. Koch, of San José, as Director for the California Hospital for the Chronic Insane, vice E. F. Delger, resigned?" the roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, McGowan, McGowan, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—29.

NOES—None.

Whereupon, the President pro tem. announced the appointment of V. Koch as Director of the California Hospital for the Chronic Insane duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. E. Shattuck as Director of the State Prison?" the roll was called, with the following result:

AYES—MESSRS. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Greely, Heacock, McComas, McDonald, McGowan, Moffitt, Preston, Roth, Spellacy, Welch, Williams, and Wilson—25.

NOES—None.

Whereupon, the President pro tem. announced the appointment of A. E. Shattuck as Director of the State Prison duly confirmed.

CALL OF THE SENATE.

Mr. Preston moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson.

Messrs. Sprague and Murphy were announced as being before the bar of the Senate.

Mr. Sprague pleaded guilty, and, as per resolution adopted this day, paid the fine of five dollars therein imposed.

On motion, the fine paid by Mr. Sprague was, on a demand for roll call, returned by the following vote:

AYES—MESSRS. Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McGowan, Murphy, Pinder, Roth, Spellacy, and Williams—23.

NOES—MESSRS. Boggs, Britt, Campbell, Welch, and Wilson—5.

Mr. Murphy was excused.

Messrs. Bowers and Banks before the bar of the Senate.

Messrs. Bowers and Banks were excused.

Mr. Fraser moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

CONSIDERATION OF APPOINTMENTS—(RESUMED).

Upon the question, "Will the Senate advise and consent to the appointment of Albert Miller a Regent of the State University, vice self; term expires March 19, 1890?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—33.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Albert Miller as Regent of the State University duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Arthur Rodgers a Regent of the State University, vice self; term expires March 1, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, McComas, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, and Williams—26.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of Arthur Rodgers as Regent of the State University duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of O. Harvey as Director of the State Insane Asylum at Stockton, vice self: term expires March 5, 1889?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—31.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of O. Harvey as Director of the State Insane Asylum at Stockton duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of A. Thornton as Director of the State Insane Asylum at Stockton, vice self: term expires March 5, 1889?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Preston, Roth, Spellacy, Welch, Williams, and Wilson—29.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of A. Thornton as Director of the State Insane Asylum at Stockton duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of B. D. Murphy as Trustee of the Asylum for Chronic Insane, vice J. W. Galley; term expires October 26, 1889?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—30.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of B. D. Murphy as Trustee of the Asylum for the Chronic Insane duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of O. A. Hale as Trustee of the Asylum for the Chronic Insane, vice C. H. Madden; term expires October 26, 1889?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—31.
 NOES—None.

Whereupon, the President pro tem. announced the appointment of O. A. Hale as Trustee of the Asylum for Chronic Insane duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of C. A. Murdock as Trustee for the Home of Feeble-Minded Chil-

dren, vice J. Widney; term expires March 27, 1889?" the roll was called, with the following result:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, McComas, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—26.

NOES—Messrs. Conklin, Crandall, and Greely—3.

Whereupon, the President pro tem. announced the appointment of C. A. Murdock as Trustee for the Home of Feeble-Minded Children duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. Harney as Trustee of the Home of Feeble-Minded Children, vice self; term expires March 27, 1889?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, Williams, and Wilson—28.

NOES—None.

Whereupon, the President pro tem. announced the appointment of W. Harney as Trustee of the Home of Feeble-Minded Children duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. C. Martin as Director of the Napa Insane Asylum, vice self; term expires April 2, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—27.

NOES—None.

Whereupon, the President pro tem. announced the appointment of J. C. Martin as Director of the Napa Insane Asylum duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of H. H. Knapp as Director of the Napa Insane Asylum, vice Geo. N. Cornwall; term expires April 2, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, and Williams—25.

NOES—None.

• Whereupon, the President pro tem. announced the appointment of H. H. Knapp as Director of the Napa Insane Asylum duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of J. F. Lamdin as a Director of the Napa Insane Asylum, vice self; term expires April 2, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—28.

NOES—None.

Whereupon, the President pro tem. announced the appointment of J. F. Lamdin as Director of the Napa Insane Asylum duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of John Martin as Port Warden of San Francisco, vice self; term expires January 18, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, Williams, and Wilson—29.

NOES—None.

Whereupon, the President pro tem. announced the appointment of John Martin as Port Warden of San Francisco duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. H. Brown as member of the State Board of Harbor Commissioners, vice A. C. Paulsell; term expires March 12, 1890?"

MOTIONS.

Mr. Moffitt moved that the confirmation of the appointment of W. H. Brown be continued until to-morrow, at three o'clock P. M.

So ordered.

Mr. Moffitt moved that Senate Bill No. 622 be placed on special file.

So ordered.

Mr. Wilson moved that Assembly Bill No. 185 be placed on special file.

So ordered.

SPECIAL FILE—THIRD READING OF BILLS.

Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—30.

NOES—None.

Title read and approved.

Mr. Dargie moved to take up Senate Bill No. 636, and read third time.

So ordered.

Senate Bill No. 636—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, and Williams—30.

NOES—None.

Title read and approved.

Senate Bill No. 596—An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—34.

NOES—None.

Title read and approved.

Mr. Hamill moved that Senate Bill No. 628 be made the special order for four o'clock P. M., to-morrow.

So ordered.

Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

Senate Bill No. 169—An Act to establish an industrial training school in each county, city, or city and county, of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Langford, McGowan, Pinder, Preston, Roth, Spellacy, White, and Wilson—21.

NOES—Mr. Heacock—1.

Title read and approved.

Mr. Wilson moved to commit Assembly Bill No. 61 to a committee of one, consisting of himself, with instructions to amend as follows:

Amend section four, page two, of printed bill, in line twenty-seven, by striking out the word "against," after the word "vote," and insert in lieu thereof the word "for."

Also, amend section five, printed bill, page three, in line nine, by striking out the words "Superior Judge" and inserting in lieu thereof the words "Judge of Superior Court."

So ordered.

The committee of one reported as follows:

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 61, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

WILSON, Select Committee.

Assembly Bill No. 590—An Act to grant to the United States certain tide lands belonging to the State of California for the purpose of improving the harbor of Humboldt Bay.

Read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, and White—27.

NOES—None.

Title read and approved.

Assembly Bill No. 568—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

Read third time.

Mr. Pinder moved to commit the bill to committee of one, consisting of himself, with instructions to amend by striking out section two.

So ordered.

The committee made the following report:

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 568, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

PINDER, Select Committee.

Report adopted.

Bill ordered reprinted.

Assembly Bill No. 464—An Act making an appropriation for the management and protection of the State mineral cabinet, under direction of the Trustees thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—27.
 NOES—None.

Title read and approved.

Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Mr. Murphy moved to commit the bill to a committee of one, consisting of Mr. Caminetti, with instructions to amend as follows:

Amend title so as to read as follows: "An Act to amend section two thousand one hundred and sixty-eight of an Act to establish a Civil Code, relating to common carriers in general."

Amend section one, line two, by striking out the word "Civil" and inserting the word "said" in lieu thereof; also, in same section and line strike out "of the State of California."

Amend same section, line six, by inserting "thus" between "he" and "offers."

The select committee reported as follows:

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 227, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CAMINETTI, Select Committee.

Report adopted.

Assembly Bill No. 227 ordered reprinted and passed on file.

Senate Bill No. 647—An Act to amend section two hundred and thirteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of the crime of robbery.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—31.
 NOES—None.

Title read and approved.

Assembly Bill No. 97—An Act to establish a State Reform School for Juvenile Offenders.

Mr. McGowan in the chair.

Bill read third time and passed on file.

Mr. Dixon moved to take up Assembly messages.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 325—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Also, Assembly Bill No. 286—An Act to amend sections five, six, and eleven of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

E. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Assembly Bill No. 325—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read first time.

Assembly Bill No. 286 ordered on file.

ADJOURNMENT.

At eleven o'clock and fifty-seven minutes P. M., on motion of Mr. Moffitt, the Senate adjourned, to meet at twelve o'clock and three minutes A. M., Friday, March eighth.

IN SENATE.

SENATE CHAMBER,

Friday, March 8, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, McDonald, McGowan, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson.

Quorum present.

SUBSTITUTION OF BILL.

Senate Bill No. 443 withdrawn, and Assembly Bill No. 325 substituted therefor.

Assembly Bill No. 325—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read second time, and amended, as follows:

By Mr. Fraser:

Amend section one, line eight, printed bill, by striking out the word "four" and inserting "two."

Adopted.

Amend section one, line ten, by inserting after the words "to wit" the words "the north half of," and by adding to the end of section one the following: "*provided*, that nothing in this Act shall be construed to affect the right to use and maintain the railroad track situated and existing upon the land in this Act described by the owners of said railroad."

Adopted.

RECESS.

At twelve o'clock and fifty minutes, on motion of Mr. De Long, the Senate took a recess until ten o'clock and thirty minutes A. M.

REASSEMBLED.

At ten o'clock and thirty minutes A. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

Journal of Tuesday approved.

SPECIAL ORDERS.

Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State.

Read first time.

RESOLUTION.

By Mr. Langford:

Resolved, That Assembly Bill No. 14 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Welch, White, and Wilson—28.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 14 read second time, and amended as follows, by Mr. Heacock:

Strike out all from and including the word "but" in line three, to and including the word "labor" in line five.

Adopted.

By Mr. De Long:

Strike out all of section five.

Adopted.

Mr. Boggs moved to strike out section six.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Boggs, Bowers, Caminetti, Campbell, Crandall, De Long, Dixon, Hinshaw, White, and Williams—10.

NOES—Messrs. Banks, Briceland, Britt, Byrnes, Conklin, Dargie, Dray, Flint, Fraser, Hamill, Heacock, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, and Welch—21.

Mr. Wilson moved that the hour of recess be extended until one o'clock and fifteen minutes P. M.

So ordered.

Also, amend as follows:

Renumber sections after section five, as follows: make section six section five, make section seven section six, make section eight section seven.

Adopted.

By Mr. Moffitt:

Amend by striking out of line four of title the words "jute goods," and inserting the words "grain bags."

Also, amend by striking out of section one, line six, the words "jute goods," and inserting the words "grain bags."

The roll was called, and the amendments lost by the following vote:

AYES—Messrs. Dargie, Moffitt, Murphy, Spellacy, and Wilson—5.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Preston, Roth, Sprague, Welch, White, Williams, and Yell—32.

By Mr. Roth:

Amend as follows: Add to section four the following: "*provided*, that ten per cent of the purchase price shall accompany the order and the balance to be paid upon the delivery of the grain bags."

Adopted.

On motion to order Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State—to a third reading.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Langford, McComas, McGowan, Mead, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—23.

NOES—Messrs. Boggs, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Hinshaw, Moffitt, Preston, and Wilson—12.

Assembly Bill No. 14 ordered to a third reading.

RESOLUTION.

By Mr. Murphy:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Geo. W. Faylor for the sum of thirty-six dollars and seventy-five cents, being for services rendered as per statement below:

M. Miller, carriage hire, call of Senate	\$2 00
D. Murphy, carriage hire, call of Senate	16 00
Gilson, carriage hire, call of Senate	4 00
Golden Eagle, carriage hire, call of Senate	7 00
C. H. Rave, lock and key	2 75
Smith & Muir, plumbing	5 00

Total

\$36 75

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Assembly Bills (amended) Nos. 227 and 508; also, Substitute for Assembly Bill (amended) No. 69, and amendments to Assembly Bill No. 61.

HAMILL, Chairman.

THIRD READING OF COUNTY GOVERNMENT BILL.

Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, 71, 85, 86, 96, 106, 172, 189, 190, 236, 294, 320, 354, 355, 359, 386, 390, 415, 441, and 489—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and two, two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887; and to insert two new sections therein, to be numbered one hundred and eighty-eight and a half and two hundred and one and a half, and to create two new classes of counties of the twenty-sixth and a half and of the thirty-ninth and a half class, relating to the government of counties, and to repeal section one hundred and ten and a half of said Act.

Read third time.

RECESS.

On motion of Mr. Dray, the Senate took a recess to one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Moffitt, Murphy, Pinder, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

CONSENT TO INTRODUCE A BILL.

Mr. Moffitt asked unanimous consent to introduce a bill.
Permission was granted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, White, Williams, and Wilson—28.
 NOES—None.

INTRODUCTION OF BILL.

By Mr. Moffitt: Senate Bill No. 660—An Act to amend section three thousand and sixty-four of the Political Code.

Ordered on file.

REPORT OF STANDING COMMITTEE.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 54—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and ninety-three, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-two, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, and one thousand six hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as sections one thousand seven hundred and seventy-six and one thousand eight hundred and eighty-nine, also relating to public schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended, the committee reserving the privilege of submitting the amendments to-morrow.

CAMINETTI, Chairman.

FIRST READING OF BILL.

Assembly Bill No. 54—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and ninety-three, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven

hundred and seventy-five, one thousand seven hundred and ninety-two, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, and one thousand six hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as sections one thousand seven hundred and seventy-six and one thousand eight hundred and eighty-nine, also relating to public schools.

Read first time, and made special order for to-morrow, at eleven o'clock and thirty minutes A. M.

MOTION.

Mr. Wilson moved that the further action on the County Government Bill be made a special order for three o'clock P. M.

CALL OF THE SENATE.

Mr. Mead moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson.

Mr. Mead moved that further proceedings under the call be dispensed with.

So ordered.

SPECIAL FILE.

Substitute for Senate Constitutional Amendment No. 6:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section eight of article eleven thereof, relative to the framing and adoption of charters by cities containing more than one hundred thousand inhabitants, and cities containing more than ten thousand inhabitants, and cities containing more than thirty-five hundred inhabitants.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, A. D. 1889, two thirds of all the members elected to each House concurring, hereby proposes that section eight of article eleven of the Constitution of said State be amended so as to read as follows:

Section 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of the Deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city, for at least twenty days; and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; such approval may be made by concurrent resolution, and if approved by a

majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of Deeds of the county, among the archives of the city. All Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Any city containing a population of more than ten thousand and not more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, and at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter, and any amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Any city containing a population of more than three thousand five hundred and not more than ten thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive of said city, and the other to the Recorder of the county. Such proposed charter shall be published in a daily paper of general circulation in such city, for at least twenty days; and the first publication shall be made within twenty days after the completion of the charter; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each House it shall become the charter of such city, and the organic law thereof, and shall supersede any existing charter, and any amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the Mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said Recorder's office, shall be deposited in the archives of the city; and thereafter all Courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative

authority of the city to the qualified electors thereof, at a general or special election, held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified voters voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

The roll was called, and Substitute for Senate Constitutional Amendment No. 6 adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Sprague, Welch, White, and Williams—34.

NOES—None.

Substitute for Assembly Bill No. 452—An Act to provide for the survey of certain State lands, and appropriating money to defray the expenses thereof.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, Langford, McComas, McGowan, Mead, Meany, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. Wilson moved to dispense with further proceedings under the call of the Senate.

So ordered.

SPECIAL ORDERS.

Assembly Bill No. 61—An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—28.

NOES—MESSRS. Crandall, Flint, Hinshaw, Jones, Langford, Murphy, Sprague, and White—8.

Title read and approved.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 501—An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons, and insane persons to the insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885.

Read third time.

Mr. Bowers in the chair.

Mr. Heacock moved that the bill be committed to a committee of one, to consist of Mr. White, with instructions to amend as follows:

Strike out all after the enacting clause and insert the following:

"SECTION 1. The Sheriffs of the several counties of this State shall be allowed to retain for their own use the per diem heretofore received by them for services rendered since the fourteenth day of March, A. D. 1885, in taking prisoners to and from the State Prisons of this State, and in taking persons to the insane asylums.

"SEC. 2. This Act shall take effect immediately."

Lost.

The question recurring upon the bill, the same was passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—Messrs. Campbell and Crandall—2.

Title read and approved.

Senate Bill No. 322—An Act to amend sections two thousand four hundred and fifty-seven, two thousand four hundred and sixty-four, two thousand four hundred and sixty-five, and two thousand four hundred and sixty-six of the Political Code, relating to pilots and pilot regulations.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—Messrs. De Long and Greely—2.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Goucher gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 322 passed the Senate.

Mr. Murphy gave notice that he voted "aye" for the purpose of moving a reconsideration.

MOTION.

Mr. Wilson moved that the County Government Bill be placed at the foot of third-reading special file.

Lost.

Mr. Goucher was granted permission to temporarily withdraw for use a petition relative to Assembly Bill No. 8.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Mr. Campbell before the bar of the Senate.

On motion, he was excused.

Mr. Mead moved that further proceedings under the call of the Senate be dispensed with.

Ayes and noes demanded by Messrs. Wilson, Fraser, and Dray.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Briceland, Conklin, Crandall, Fraser, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, and Welch—13.

NOES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, Murphy, Pinder, Spellacy, White, and Williams—23.

Mr. McDonald before the bar of the Senate.

On motion, he was excused.

Mr. Fraser moved to dispense with further proceedings under the call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, White, Williams, and Yell—29.

NOES—Messrs. Caminetti, Campbell, Dargie, Goucher, Jones, Langford, McDonald, Murphy, and Spellacy—9.

MOTIONS.

Mr. Heacock moved to postpone consideration of Governor's appointments, and be made a special order after the County Government Bill be disposed of.

Mr. Goucher moved that the Governor's appointments be made a special order for to-night, at eight o'clock.

The roll was called, and Mr. Goucher's amendment prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, Dixon, Goucher, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Sprague, White, Williams, and Yell—24.

NOES—Messrs. Banks, Boggs, De Long, Dray, Flint, Fraser, Greely, Jones, Langford, Pinder, Spellacy, and Wilson—12.

GENERAL FILE—THIRD READING OF BILLS.

Committee Substitute for Assembly Bills Nos. 22, 55, 58, 59, 71, 85, 86, 96, 106, 172, 189, 190, 236, 294, 320, 354, 355, 359, 386, 390, 415, 441, and 489—An Act to amend sections thirteen, sixteen, twenty-five, fifty-seven, seventy, seventy-one, one hundred and forty-seven, one hundred and sixty-two, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-five, one hundred and ninety-six, two hundred and one, two hundred and two,

two hundred and three, two hundred and six, two hundred and nine, two hundred and eleven, and two hundred and twenty-five of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, and to insert two new sections therein, to be numbered one hundred and eighty-eight and one half and two hundred and one and one half, and to create two new classes of counties of the twenty-sixth and one half and of the thirty-ninth and one half class, relating to the government of counties, and to repeal section one hundred and ten and one half of said Act.

Mr. Wilson moved that the bill be committed to a committee of one, to consist of Mr. Mead, with instructions to amend as follows:

Amend subdivision twenty-seven by adding the following words, viz.: "*provided*, that upon the business of grazing, herding, or pasturing of horses, sheep, cattle, or any domestic live stock, no license shall be levied or collected, except for the males thereof, kept for the purpose of propagation."

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Boggs, Dargie, De Long, Dray, Flint, Greely, Jones, Langford, Wilson, and Yell—11.

NOES—Messrs. Bowers, Briceland, Britt, Brynes, Caminetti, Campbell, Conklin, Crandall, Dixon, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, and Williams—27.

The question recurring upon the passage of committee substitute, the same was passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Brynes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—38.

NOES—None.

Title read and approved.

Mr. Hinshaw moved that committee substitute be immediately transmitted to the Assembly.

So ordered.

SPECIAL ORDER.

Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give surviving Directors power to settle the affairs of such corporations.

Read first time, and ordered on file for second reading.

SPECIAL FILE—THIRD READING OF BILLS.

Senate Bill No. 293—An Act to amend section three hundred and three of the Civil Code, relating to the by-laws of corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Brynes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

Title read and approved.

Mr. Sprague moved that Senate Bill No. 293 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 256—An Act to amend section two thousand four hundred and sixty-seven of the Political Code, relating to charges for towage.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McComas, Mead, Preston, Sprague, Welch, White, Williams, and Wilson—26.

NOES—Mr. De Long—1.

Title read and approved.

Assembly Bill No. 97—An Act to establish a State Reform School for Juvenile Offenders.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, Moffitt, Pinder, Preston, Spellacy, Welch, White, Williams, and Wilson—25.

NOES—Messrs. Hinshaw, Langford, and Mead—3.

Title read and approved.

Mr. Heacock moved that Assembly Bill No. 97 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 326—An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McGowan, Mead, Moffitt, Preston, Roth, Sprague, White, Williams, Wilson, and Yell—29.

NOES—Messrs. Hinshaw and Langford—2.

Title read and approved.

Mr. De Long moved that Assembly Bill No. 326 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 549—An Act to amend chapter two, of title nine, section three thousand six hundred and seventeen, of the Political Code of the State of California, relating to the definition of terms.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Roth, Sprague, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Assembly Bill No. 496—An Act appropriating the sum of two hundred and twenty-five thousand dollars for the erection of additional buildings at Agnews for the use of chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Sprague, White, and Williams—27.

NOES—Mr. Langford—1.

Title read and approved.

Substitute for Assembly Bill No. 69—An Act to amend sections two, three, four, five, seven, eight, nine, twelve, thirteen, nineteen, twenty-four,

twenty-six, thirty-four, and thirty-seven of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add a new section thereto, to be called section twelve and one half, relating to payment for work in installments.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, White, and Williams—28.
 NOES—None.

Title read and approved.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Amendments to Assembly Bill No. 14 and Assembly Bill No. 325.

HAMILL, Chairman.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 450—An Act to amend section three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Mr. Dargie moved to commit the bill to a committee of one, consisting of Mr. Greely, with instructions to amend as follows:

Amend title so as to read as follows:

"An Act to amend sections three hundred and seven and three hundred and twelve of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions hereof."

Amend section one to read as follows:

"SECTION 1. Section three hundred and seven of said Act is hereby amended so as to read as follows."

Add a new section to follow section three hundred and seven, as follows:

"SEC. 2. Section three hundred and twelve of said Act is hereby amended so as to read as follows."

The select committee reported as follows:

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your select committee to whom was referred Substitute for Senate Bills Nos. 449 and 450—An Act to amend sections three hundred and seven and three hundred and twelve of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

GREELY, Select Committee.

Report adopted.

Bill ordered reprinted.

RESOLUTION.

By Mr. Dray:

Resolved, That Assembly Bill No. 109 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be, this day, read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Campbell, Crandall, Dargie, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Moffitt, Roth, Spellacy, Sprague, and White—23.

NOES—Messrs. Boggs, Byrnes, Caminetti, De Long, Flint, Fraser, Mead, and Williams—8.

SPECIAL ORDER.

Assembly Bill No. 109—An Act to divide the State of California into two prison districts, for the purpose of reducing expense in the transportation of prisoners.

Read first time, and placed at foot of special second-reading file.

RESOLUTION.

By Mr. Bowers:

Resolved, That the Committee on Elections is hereby directed to report Senate Bill No. 142 at eight o'clock this evening.

Adopted.

MOTION.

Mr. Wilson moved a call of the Senate.

Lost.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 381—An Act to provide for the purchase of statuary, to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor.

Read third time, and refused passage by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Dargie, Dray, Goucher, McComas, Moffitt, Murphy, Sprague, and Wilson—12.

NOES—Messrs. Briceland, Byrnes, Campbell, Crandall, Dixon, Flint, Fraser, Hamill, Heacock, Hinshaw, Jones, Langford, McGowan, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—21.

SUBSTITUTION OF BILL.

Mr. Jones withdrew Senate Bill No. 492, and substituted in lieu thereof Senate Bill No. 180.

MOTION.

Mr. Sprague moved that Senate Bill No. 180 be made the special order immediately following the Governor's appointments.

So ordered.

SPECIAL FILE—THIRD READING OF BILL.

Assembly Bill No. 568—An Act to amend section five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of actions, and providing how actions may be dismissed or nonsuit entered.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—33.

NOES—None.

Title read and approved.

RESOLUTIONS.

By Mr. Williams:

Resolved, That W. S. O'Brien be and he hereby is allowed the sum of thirty (\$30) dollars for services and expenses in keeping in surveillance witnesses before Committee on State Prisons and Prison Buildings, as per order of said committee.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. Campbell:

Resolved, That L. J. Gillin be allowed the sum of thirty-eight dollars and seventy cents for copy of testimony taken before the joint committee from Assembly and Senate, appointed to investigate certain charges in connection with the Branch State Normal School at Chico (three hundred and eighty-seven folios at ten cents per folio), and that the Controller be hereby authorized and directed to draw his warrant in favor of said L. J. Gillin for such amount, and the Treasurer be hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

RECESS.

At five o'clock and thirty minutes, on motion of Mr. Murphy, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSE^{RS}. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

SECOND READING OF BILL.

Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Read second time, and amended, as follows:

By Mr. Roth:

Amend by striking out of line thirty-three the words: "This Act shall take effect immediately."

Adopted.

Also, amend section one, line ten, by inserting after the word "application," before the word "to," the following: "made within ten years after the sale of said land for taxes."

Adopted.

Bill ordered at foot of third-reading file.

CONSENT TO INTRODUCE A BILL.

Mr. Moffitt asked unanimous consent to introduce a bill.

The roll was called, and permission granted by the following vote:

AYES—MESSE^{RS}. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw,

Jones, Langford, McComas, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, White, Williams, and Yell—31.
 NOES—None.

INTRODUCTION OF BILL.

By Mr. Moffitt: Senate Bill No. 661—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Ordered printed and on file.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 654—An Act to amend sections one and fifteen of an Act to provide an additional asylum for the insane of the State of California, approved March 9, 1885.

Also, Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Also, Senate Bill No. 206 (as amended)—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund, Unavailable"—and respectfully ask your honorable body to concur in said amendment.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Clerk.

SUBSTITUTION OF BILL.

Mr. Goucher in the chair.

Senate Bill No. 616 withdrawn, and Assembly Bill No. 654 substituted therefor.

Assembly Bill No. 654—An Act amending an Act to provide an additional asylum for the insane of the State of California, approved March 9, 1885.

RESOLUTION.

By Mr. Crandall:

Resolved, That Assembly Bill No. 654 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times on this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Williams, Wilson, and Yell—34.

NOES—None.

PASSAGE OF BILL.

Assembly Bill No. 654—An Act amending an Act to provide an additional asylum for the insane of the State of California, approved March 9, 1885.

Read first, second, and third times, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Roth, Wilson, and Yell—30.

NOES—None.

Title read and approved.

ORDERED TO ENROLLMENT.

Senate Bill No. 205 ordered to enrollment.

AMENDMENT CONCURRED IN.

Senate Bill No. 206 amended as follows:

Amend section three, line two, of printed bill, by striking out the word "available."

The amendment was concurred in by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Preston, Roth, Williams, Wilson, and Yell—29.

NOES—None.

Senate Bill No. 206 ordered to enrollment.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendment to Assembly Bill No. 8, and have ordered the same to enrollment.

ED. E. LEAKE, Chief Clerk.
By J. O. BEALE, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 156—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bill No. 454 withdrawn, and Assembly Bill No. 156 substituted therefor.

Assembly Bill No. 156—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

RESOLUTION.

By Mr. McDonald:

Resolved, That Assembly Bill No. 156 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, on this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Wilson—32.

NOES—Mr. Yell—1.

Assembly Bill No. 156—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

Read first, second, and third times.

Mr. Wilson moved to commit the bill to a committee of one, with instructions to amend, as follows:

Strike out all after the title, and insert:

"The People of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the claim of George W. Mayberry, for damages sustained by him in falling through the sidewalk on the State Capitol grounds, which sidewalk was then in charge of the State officials, whereby he suffered severe internal injuries, which have been pronounced incurable and which wholly incapacitate him from performing labor; and the Controller is hereby directed to draw his warrant in favor of the said George W. Mayberry for the said sum of five thousand dollars, and the Treasurer is hereby directed to pay the same.

"SEC. 2. This Act is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code of the State of California.

"Sec. 3. This Act shall take effect immediately."

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your select committee to whom was referred Assembly Bill No. 156, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

MCDONALD, Select Committee.

Report adopted.
Bill ordered printed.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill (substitute) No. 282—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River,'" approved April 11, 1859, and to repeal section one thereof.

Also, Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 309 substituted for Senate Bill No. 282, and Senate Bill No. 280 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberg for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Also, Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Also, Senate Bill No. 588—An Act to amend an Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons, approved April 1, 1878.

Also, Senate Bill No. 148—An Act to provide for accurate meters or other instruments or devices used to measure or weigh the water sold, rented, or supplied to cities and counties, cities, and towns, or to the inhabitants thereof, to regulate the furnishing and use of such meters or other instruments or devices, and to provide a penalty for a violation of this Act.

ED. E. LEAKE, Chief Clerk.

Senate Bills Nos. 107, 588, and 148 ordered to enrollment.

Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, and two thousand and seventy-eight of, and to add new sections, to be known as sections one thousand nine hundred and eighty, two thousand and thirty-one, two thousand and thirty-two, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Amended as follows:

Amend section twelve by inserting in line thirteen, after the word "school," the words "or schools."

Amend section twelve by inserting after the word "school," in line eighteen, the words "or schools."

The Senate concurred in the amendments by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 161—An Act to amend section one of an Act entitled "An Act to prevent the sale of intoxicating drinks to minors," approved March 4, 1872.

Also, Assembly Bill No. 547—An Act to provide for the levy and collection of taxes by school districts incorporated under the laws of the State, excepting in cities of the first, second, third, and fourth classes.

Also, amended Senate Bill No. 39—An Act to amend section nine hundred and sixty-nine of the Code of Civil Procedure of the State of California, relating to cases in which appeals may be taken to the Supreme Court—and passed the same as amended, and respectfully ask your honorable body to concur in the amendment.

ED. E. LEAKE, Chief Clerk.

Assembly Bill No. 161 on file.

Assembly Bill No. 547 on file.

Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California, relating to cases in which appeals may be taken to the Supreme Court—was amended in Assembly as follows:

In line eighteen strike out the word "for" and insert the word "from."

In same line strike out the word "may" and insert in place thereof the word "made."

Also, in line twenty strike out after the word "favor" the word "or," and insert in place thereof the word "of."

The Senate concurred in the amendments by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Heacock, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Williams, Wilson, and Yell—30.

NOES—None.

Senate Bill No. 39 ordered to enrollment.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 99—An Act to authorize and empower the Board of Trustees of the Napa State Asylum for the Insane to sell and convey a portion of real

property situate in Napa County, in the State of California, and belonging to said State, to Napa County, for the purpose of a public highway, and to sell and convey a certain other portion of said tract to an individual or individuals.

Also, Assembly Bill No. 490—An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.

Also, Assembly Bill No. 110—An Act to define, regulate, and govern the State Prisons of California.

Also, Assembly Bill No. 146—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

ED. E. LEAKE, Chief Clerk.

Assembly Bill No. 99 on file.

Assembly Bill No. 490 referred to Committee on City, City and County, and Town Governments.

Assembly Bill No. 110 on file.

Senate Bill No. 487 withdrawn, and Assembly Bill No. 146 substituted in lieu thereof.

FIRST READING OF BILL.

Assembly Bill No. 146—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read first time.

RESOLUTION.

By Mr. Dixon:

Resolved, That Assembly Bill No. 146 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—34.

NOES—Messrs. Jones and Sprague—2.

PASSAGE OF ASSEMBLY BILL No. 146.

Assembly Bill No. 146—An Act to amend sections seven hundred and fifty-two, seven hundred and fifty-five, seven hundred and fifty-eight, seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six, seven hundred and sixty-seven, seven hundred and sixty-nine, seven hundred and seventy-three, seven hundred and seventy-eight, seven hundred and eighty-six, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, and seven hundred and sixty-eight of an Act entitled "An

Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Mr. Moffitt moved that Assembly Bill No. 146 be immediately transmitted to the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendments to Assembly Bill No. 61, and have ordered the same to enrollment.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 75—An Act to amend section four hundred of the Penal Code, relating to contagious diseases among animals.

Assembly Bill No. 16—An Act to amend section three thousand nine hundred and twenty-four of the Political Code, relating to the boundary of Placer County.

Assembly Bill No. 48—An Act supplementary to an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883.

Assembly Bill No. 604—An Act to appropriate money in aid of building and furnishing the Home for Soldiers' Widows and Orphans and Army Nurses, and for the support of indigent persons residing in the Home of the Women's Relief Corps Home Association.

Senate Bill No. 129—An Act entitled "An Act for the relief of Gregory Valero."

Assembly Bill No. 281—An Act to recognize the Veterans' Home at Yountville as a State Home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said Home.

ED. E. LEAKE, Chief Clerk.

Assembly Bill No. 75, Assembly Bill No. 16, and Assembly Bill No. 48 on file.

Assembly Bill No. 604 made the special order for to-morrow, at two o'clock and thirty minutes P. M.

Senate Bill No. 129 ordered to enrollment.

Assembly Bill No. 281 referred to Committee on Judiciary.

Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following Assembly Bills:

Assembly Bill No. 641—An Act to amend section four hundred and twenty-five of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers and the payment of their salaries.

Also, Assembly Bill No. 642—An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

Also, Assembly Bill No. 605—An Act appropriating the sum of \$15,000 (fifteen thousand dollars) for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

ED. E. LEAKE, Chief Clerk.

Senate Bills Nos. 591 and 592 withdrawn, and Assembly Bills Nos. 641 and 642 substituted in lieu thereof.

RESOLUTION.

By Mr. Jones:

Resolved, That Assembly Bills Nos. 641 and 642 present a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills and each thereof be this day read the first, second, and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILLS.

Assembly Bill No. 641—An Act to amend section four hundred and twenty-five of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers and the payment of their salaries.

Read first, second, and third times, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Assembly Bill No. 642—An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds for the fortieth fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murray, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.

NOES—None.

Title read and approved.

Assembly Bill No. 605—An Act appropriating the sum of fifteen thousand dollars for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

RESOLUTION.

By Mr. Yell:

Resolved, That Assembly Bill No. 605 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, White, Williams, and Yell—33.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 605—An Act appropriating the sum of fifteen thousand dollars for the purchase of Copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology."

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—None.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following concurrent resolution:

Resolved, by the Senate and Assembly, That the Senate take final action upon all Assembly Bills which heretofore have or hereafter shall reach the Senate, and that the Assembly take final action upon all Senate Bills which heretofore have or hereafter shall reach the Assembly; be it further

Resolved, That the Senate and Assembly take final action upon all bills now upon the special file, upon the third-reading general file, and which are at the present time special orders; be it further

Resolved, That no other bills be considered by the Senate or the House, except by two-thirds vote, or until such time as the bills in this resolution above mentioned have been finally considered.

Nothing in the above shall prevent the right of any member substituting any bill not included in the above for one included in the above by a majority vote of the House in which said bill is pending, the bill for which another is substituted being dropped from the file.

And request your honorable body to concur in the same.

Also, Assembly Constitutional Amendment No. 10—Relative to the office of Lieutenant-Governor.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly resolution made the special order for to-morrow, at one o'clock and thirty minutes P. M.

Assembly Constitutional Amendment No. 10 on special file.

Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Constitutional Amendment No. 7—Relative to sessions of the Legislature.

ED. E. LEAKE, Chief Clerk.

Assembly Constitutional Amendment No. 7 on special file.

SPECIAL ORDER.

Consideration of Governor's messages relating to appointments.

Mr. Wilson moved that the Senate reconsider the vote by which it refused to advise and consent to the appointment of E. W. Travers as Pilot Commissioner for San Francisco.

Mr. Wilson moved that further consideration be postponed until to-morrow, at ten o'clock and thirty minutes A. M.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

Further proceedings under the call dispensed with.

The question recurring upon the motion of Mr. Wilson, the same prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, McComas, McGowan, Mead, Meany, Preston, Roth, Sprague, and Wilson—23.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Hamill, Hinshaw, Jones, Langford, McDonald, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—17.

Mr. Wilson moved to reconsider the vote by which the Senate refused to advise and consent to the appointment of E. W. Travers as Pilot Commissioner for San Francisco.

Mr. Yell moved that the further consideration be postponed until ten o'clock and forty-five minutes A. M. to-morrow.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Crandall, Goucher, Hamill, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, Williams, and Yell—15.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Pinder, Sprague, White, and Wilson—23.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Senate Bills Nos. 24, 25, 142, 164, 496, and 509—have had the same under consideration, and respectfully report the same back, without recommendation.

YELL, Chairman.

CONSIDERATION OF APPOINTMENTS—(RESUMED).

Mr. Wilson moved to reconsider the vote by which the Senate refused to advise and consent to the appointment of Oliver Eldridge as Pilot Commissioner for San Francisco.

Mr. Wilson moved that further consideration be made a special order for to-morrow, immediately after the special order just set.

Mr. Murphy raised the point of order that the Senate having refused to confirm, and no reconsideration having been had upon that day, there is no provision in the rules for reconsidering upon any other day.

The Chair reserved his decision on the point of order.

Mr. Wilson moved that the notice of reconsideration made by him on yesterday regarding the question, "Will the Senate advise and consent to the appointment of Oliver Eldridge as Pilot Commissioner for San Francisco, vice Martin Bulger, removed?" be made the special order for to-morrow, at ten o'clock and thirty minutes A. M.

The roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, McComas, McGowan, Mead, Meany, Preston, Roth, Sprague, and Wilson—23.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Hamill, Jones, Langford, McDonald, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—16.

Mr. Wilson moved to reconsider the vote by which the Senate made the consideration of E. W. Travers' appointment the special order for to-morrow, at ten o'clock and thirty minutes A. M.

Mr. Wilson moved to reconsider the vote by which the Senate refused to advise and consent to the appointment of J. K. Orr as Fish Commissioner.

Also, the same motion in regard to the appointment of J. D. Redding.

Mr. Yell moved to adjourn.

Mr. Sprague moved that the Senate reconsider the vote by which the Senate confirmed the appointment of Mr. Craig as Prison Director.

Mr. Sprague moved to make the further consideration a special order for to-morrow, at ten o'clock and thirty minutes A. M., or immediately following the other special orders.

Mr. Murphy made the point of order in each and every case that reconsideration cannot be had, as the time for such reconsideration has lapsed, no provisions in the rules having been made for the reconsideration of the Governor's appointments after the day on which the same was taken.

The Chair reserved its decision on the point of order in each and every case.

Mr. Wilson moved to reconsider the vote by which the Senate refused to advise and consent to the appointment of Dr. Laine.

Mr. Williams moved that the Senate do now adjourn.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Britt, Campbell, Crandall, McDonald, Meany, and Williams—6.

NOES—MESSRS. Banks, Byrnes, Caminetti, Dargie, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Wilson, and Yell—24.

Mr. Williams moved to take a recess until eleven o'clock and fifty-five minutes P. M.

Mr. Goucher moved to lay the motion on the table.

The roll was called, and the motion prevailed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, White, and Wilson—27.

NOES—MESSRS. Britt, Crandall, Hamill, Langford, McDonald, Pinder, Spellacy, Welch, and Yell—9.

Mr. Wilson moved that the whole consideration, including the motions to reconsider, be made a special order for to-morrow, commencing at ten o'clock and thirty minutes A. M.

The roll was called, and the motion prevailed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Preston, Roth, Sprague, Wilson, and Yell—29.

NOES—MESSRS. Briceland, Britt, Langford, McDonald, Murphy, Pinder, Spellacy, Welch, White, and Williams—10.

Mr. Sprague moved to take up the regular order of business.

Mr. Moffitt moved that the Senate do now adjourn.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Britt, Crandall, Dixon, Jones, Langford, McDonald, Meany, Murphy, Welch, and Williams—10.

NOES—MESSRS. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McGowan, Mead, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, White, Wilson, and Yell—28.

Mr. Williams moved to take a recess until eleven o'clock and fifty-five minutes P. M.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Crandall, Dixon, Goucher, Hamill, Hinshaw, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, Williams, and Yell—16.
 NOES—Messrs. Banks, Bowers, Byrnes, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Preston, Sprague, and White—19.

Mr. Murphy gave notice that, on to-morrow, he would move to reconsider the vote whereby the Senate passed Committee Substitute for Assembly Bill No. 22, and others.

Mr. Goucher moved that the Senate do now adjourn.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, and Williams—27.
 NOES—Messrs. Banks, McGowan, White, Wilson, and Yell—5.

ADJOURNMENT.

Whereupon, at eleven o'clock and sixteen minutes P. M. the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
 Saturday, March 9, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORTS OF STANDING COMMITTEES.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 112—An Act to add a new section, to be known and numbered as section three thousand seven hundred and ten, to the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

CAMINETTI, Chairman.

ON IRRIGATION AND WATER RIGHTS.

SENATE CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: Your Committee on Irrigation and Water Rights, to whom was referred Assembly Concurrent Resolution No. 3—Relative to the storage of waters in the Sierra Nevada Mountains—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

CAMINETTI, Chairman.

ADOPTION OF CONCURRENT RESOLUTION.

Assembly Concurrent Resolution No. 3—Relative to the storage of waters in the Sierra Nevada Mountains.
Adopted by a unanimous vote.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 2—An Act to make an appropriation of money for the use of the State Board of Forestry.

Also, Senate Bill No. 210—An Act authorizing the Boards of Supervisors of the several counties of the State to declare innavigable streams highways for the floating of logs and timber, and provide for the use and improvement of the same.

Also, Senate Bill No. 136—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending section two thousand five hundred and sixty-nine of said Code.

Also, Senate Bill No. 137—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 8, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that on March 7, 1889, I approved Senate Bill No. 655—An Act to amend sections three, six, seven, eight, and twelve of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, an Act amendatory thereof, approved February 18, 1885, and to add new sections to said Act, to be known as sections fourteen, fifteen, sixteen, seventeen, and eighteen, and to repeal section nine of said Act, and to appropriate money for the uses of the State Board of Horticulture.

Also, Senate Bill No. 204—An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind.

Also, Senate Bill No. 250—An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the fortieth fiscal year.

I also inform your honorable body that I have, this day, approved Senate Bill No. 5—An Act to ratify and confirm the conveyance of certain property to Trustees for charitable or educational purposes, by the City Council or Trustees of any city of less than fifty thousand inhabitants, or of any incorporated town.

Also, Senate Bill No. 18—An Act to add a new section to the Code of Civil Procedure, to be known and designated as section sixteen hundred and sixty-three, relating to the partial distribution of the estates of deceased persons.

Also, Senate Bill No. 212—An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-eighth fiscal year.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1889. }

To the Senate of the State of California:

I herewith respectfully return to your honorable body, without my approval, Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and to define their duties and powers.

My attention has been called to the fact that the bill did not pass the Assembly by a constitutional majority. By reference to the Journal of the Assembly, which the Constitution requires to be kept and published, and which the Courts hold may be examined for the purpose of ascertaining whether the laws have been constitutionally passed, I find that the bill received but forty votes. It is true that the roll call on the final passage of the bill, as shown on page seven of the Journal of March second, shows forty-one votes for the bill, but on page nine of the Assembly Journal of March fourth, appears a protest, signed by Assemblyman Sims, in which he states, in substance, that his name was improperly recorded as voting for the bill; that he sought to avail himself of his right to cast his vote against the bill, but did not succeed in obtaining that undoubted constitutional right. I have been furnished with a certificate, signed by the Speaker and Clerk of the Assembly, to the effect that the protest of Mr. Sims states the fact.

It, therefore, follows that the bill did not receive but forty affirmative votes, which was not a constitutional majority.

It is not desirable that an Act of so much importance, so deeply affecting the interest of the people, should be placed upon the statute book when it appears from the records that it did not pass. My signature to the bill could add nothing to its validity. I herewith transmit to the Senate the certificate of Hon. Robert Howe, Speaker of the Assembly, and E. E. Leake, Clerk of the Assembly, together with the Journals of the Assembly, to which reference has been made.

R. W. WATERMAN, Governor.

Mr. McGowan moved that the Governor's message, relative to the veto of Senate Bill No. 211, be made the special order for Monday, at eight o'clock p. m.

So ordered.

Also, the following message was received from the Governor:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA. }
SACRAMENTO, March 9, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed G. M. Francis a Director of the Insane Asylum at Napa, vice H. H. Knapp, resigned, and ask the consent of the Senate to the same.

R. W. WATERMAN, Governor.

CONFIRMATION OF GOVERNOR'S APPOINTMENT.

Upon the question, "Will the Senate advise and consent to the appointment of G. M. Francis Director of the Insane Asylum at Napa, vice H. H. Knapp, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, White, and Wilson—29.

NOES—None.

Whereupon, the President pro tem. announced the appointment of G. M. Francis as Director of the Napa Insane Asylum duly confirmed.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bill No. 469, and Substitute for Senate Bills Nos. 449 and 450; also, Assembly Bill No. 156.

DIXON, Acting Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 594—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Also, Assembly Bill No. 620—An Act making an appropriation to pay the claim of Charles Anderson, executor of the estate of George Anderson, deceased, for labor performed in the Yosemite Valley.

Also, that the Assembly has concurred in the amendments made by your honorable body to Assembly Bill No. 97—An Act to establish a State Reform School for the Juvenile Offenders—and have sent the same to enrollment.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

By Mr. Goucher:

Resolved, That Assembly Bill No. 594 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requir-

ing that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, White, and Wilson—31.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 594—An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, and White—27.

NOES—None.

Title read and approved.

Ordered transmitted immediately to Assembly.

RESOLUTION.

By Mr. Goucher:

Resolved, That Assembly Bill No. 620 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—30.

NOES—None.

FIRST, SECOND, AND THIRD READING OF BILL.

Assembly Bill No. 620—An Act making an appropriation to pay the claim of Charles Anderson, executor of the estate of George Anderson, deceased, for labor performed in the Yosemite Valley.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—30.

NOES—None.

Title read and approved.

Mr. Goucher moved that Assembly Bill No. 620 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Murphy moved that Senate Bills Nos. 370 and 344 be placed at the foot of the second-reading file.

So ordered.

SPECIAL ORDERS.

Consideration of Governor's messages relating to appointments.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson.

The Sergeant-at-Arms reported Mr. Yell at the bar of the Senate.

Upon motion, he was excused.

Mr. Wilson moved that further proceedings under the call of the Senate be dispensed with.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Meany, Preston, Roth, Sprague, and Wilson—21.

NOES—Messrs. Briceland, Britt, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—17.

Further proceedings under the call of the Senate were dispensed with.

Mr. Wilson moved that the further consideration of the Governor's appointments, and the motions to reconsider the same, be made the special order for Tuesday next, at eleven o'clock A. M., the same to be considered in the order in which they were presented.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Meany, Preston, Roth, Sprague, and Wilson—20.

NOES—Messrs. Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—18.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, and Wilson—30.

NOES—Messrs. Campbell, Conklin, Heacock, and Hinshaw—4.

Title read and approved.

Mr. Sprague moved that Senate Bill No. 180 be immediately transmitted to the Assembly.

So ordered.

SPECIAL ORDER.

Assembly Bill No. 54—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five

hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and eighty-one, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-one, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, one thousand six hundred and eighteen, one thousand seven hundred and eighty-seven, one thousand seven hundred and eighty-eight, one thousand seven hundred and eighty-nine, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three of "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools.

Read second time, and amended as follows:

Insert after the word "mail," page nine, line four, the following: "if such mail service is provided."

Adopted.

Strike out the word "or," after the word "change," line five, page nine, and insert "and."

Adopted.

Insert after the word "resignation," line five, page ten, the words "or absence from the district for sixty days without permission of a majority of the Trustees of the District."

Adopted.

Strike out after the word "county," line fourteen, page nineteen, the words "except in incorporated cities having Boards of Education."

Strike out of line seven, page nineteen, the words "unexpired State certificates," and insert "county certificates granted by County Boards of Education."

Strike out of page four, line fifty-five, the words in said section after the word "paid."

Insert a new section at the head of page nine, as follows:

"SEC. 113. Section one thousand five hundred and eighty-one of the Political Code is hereby amended to read as follows:

"1581. Unless, within six months after the making of an order creating a new district, a school is opened therein, the order will cease to have effect."

Insert in the title, after the figures "1578," the figures "1581."

Strike out subdivision four, page five, and insert the following:

"Fourth.—On the order of the Board of Trustees or Board of Education to draw his requisition, which requisition he shall indorse on said order, upon the County Auditor for all necessary expenses against the School Funds of any city, town, or district: the requisition must be drawn in the order in which the orders therefor are presented at his office. No requisition shall be drawn unless the money is in the fund to pay it. When any order of a Board of Trustees or Board of Education is presented to him and he shall not draw his requisition for the want of money in the fund upon which said order is drawn, he shall register said order in a register to be kept for that purpose, and all orders so registered shall have priority of payment in the order of their registration, and he shall draw his requisition

tions accordingly; and no requisition shall be drawn upon the order of a Board of Trustees against the county fund of any district except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items and the price of each in payment of which order the order is drawn, which itemized bill if not on the face of the order shall be filed in the office of the School Superintendent, and he shall state in his requisition that he has examined said bill, and that it is on file in his office; nor shall any requisition for teachers' salaries be drawn, unless the order shall state the monthly salary of the teacher and the dates between which the services were rendered for which the salary shall be due, nor shall any requisition be drawn on any order of a Board of Trustees signed by less than two of the Trustees or Board of Education, and unless signed by its President and Secretary, or any portion of which order, or indorsement thereon, is in lead pencil writing. Upon the receipt of such order of the Board of Trustees or Board of Education with the requisition of the School Superintendent indorsed thereon, the County Auditor shall indorse thereon his warrant upon the County Treasurer in favor of the parties or their assigns, and for the amount stated in such requisition, and shall enter the same in the register of school warrants to be kept for that purpose.

The form for the order of Board of Trustees or Board of Education, and with requisition and warrant, as required by this clause, shall be as follows:

No. —, —, 18—. —, —, 18—.
 The Auditor of — County will draw his warrant upon the Treasurer of said county on account of the next order in favor of —, or order, for the sum of \$— on the funds of — School District, during the school year ending June 30, 18—.

I have examined the itemized bill required by section one thousand five hundred and forty-three of the Political Code, and the same is on file in my office.

County Fund, \$—.
 State Fund, \$—.
 Library Fund, \$—.

 County Superintendent of Schools.
 Per —, Deputy.

School Trustees' Order upon the County Superintendent of Public Schools.

No. —. —, —, 18—.
 The County Superintendent of Public Schools of — County will draw a requisition on the County Auditor against the — Fund of — School District, to the amount of \$—, in favor of —, or order, on account of —, for the period from —, 18—, to —, 18—, during the present school year in said district.
 \$—.

 School Trustees of — District.

Monthly salary of teacher, \$—.

Requisition not drawn for want of funds will be paid on or about —, 18—.

 County Superintendent.
 Per —, Deputy.

NOTE.—Orders, except for salaries, must be accompanied by itemized bill. Orders for teachers' salaries must name time and monthly salary. See section one thousand five hundred and forty-three, subdivision four, Political Code.

On the back of same shall be printed as follows:

If it is desired to assign this order or warrant, the following form must be used, and it must be written in ink:

Pay to —, or order.

Pay to —, or order.

No. —. AUDITOR'S OFFICE, — County, California, }
 —, 18—.

The Treasurer of — County will pay to —, or order, the sum of \$— from the fund of — School District, for account of annexed order and requisition.

From County Fund, \$—.
 From State Fund, \$—.
 From Library Fund, \$—.

 Auditor.
 —, Deputy.

Received payment of above warrant.

The County Superintendent shall, on the first Monday of July of each year, deliver to the County Auditor and County Treasurer a certified list of the Trustees of the several school districts in his county, and shall from time to time notify them of any change in the same.

RESOLUTION.

By Mr. Preston:

Resolved, That Senate Bill No. 610 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

MOTION.

Mr. De Long moved that all Assembly messages concerning the passage of Senate Bills not amended, that said bills be ordered to enrollment.
So ordered.

FIRST, SECOND, AND THIRD READING OF BILL.

Senate Bill No. 610—An Act to amend section three hundred and two of the Civil Code, relating to annual meetings of the Directors of corporations, and to the merging of the stock in other corporations.

Read first and second times, considered engrossed, and read third time.

RECESS.

The hour of twelve o'clock M. having arrived, the Chair declared a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White called Mr. Jones to the chair.

Mr. Jones in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Jones, McComas, McGowan, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

RESOLUTION.

By Mr. Wilson:

Resolved, That the Senate adjourn to-day at two o'clock and thirty minutes P. M. until ten o'clock A. M. Monday, March 11, 1889.

On the adoption of the resolution, a roll call was demanded by Messrs. McGowan, Pinder, and Yell.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Heacock, Jones, Langford, McComas, Meany, Murphy, Pinder, Preston, Roth, Welch, Williams, Wilson, and Yell—24.

NOES—Messrs. Fraser, Goucher, Hinshaw, McGowan, Mead, and Sprague—6.

MOTION.

Mr. Heacock moved to take up Assembly Bill No. 551—An Act to authorize the several counties of this State to create a bonded indebtedness for certain purposes.

Read second time, and amended as follows by Mr. Heacock:

Amend, by inserting the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Adopted.

Mr. Heacock moved to strike out the title "An Act."

Adopted.

Mr. Heacock moved to amend by inserting "section five."

Adopted.

Bill ordered printed and on special file.

PASSAGE OF SENATE BILL No. 610.

Senate Bill No. 610—An Act to amend section three hundred and two of the Civil Code, relating to annual meetings of the Directors of corporations, and to the merging of the stock in other corporations.

Passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Sprague, Welch, and Williams—33.

NOES—Mr. Yell—1.

Title read and approved.

Mr. Preston moved that Senate Bill No. 610 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Yell moved that Senate Bill No. 33 be referred to a committee of one, to consist of Mr. Murphy, with instructions to amend as follows:

By striking out subdivision fourteen, in section one, and the words "city, city and county," and "or municipality," in line three, in section two, and insert the word "or" before the word "township," in same line.

Also, strike out the words "if in a county," in line four, section two.

Add after the word "elected," in line seven, same section, the words "or appointed."

Also, strike out all after the word "law," in line eight, down to the word "years," in line ten, and also add to said section the following: "and the term of any officer so appointed shall not exceed four years."

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 9, 1889.

MR. PRESIDENT: Your select committee to whom was referred Senate Bill No. 33—An Act to amend section nine hundred and ninety-six of the Political Code, relating to vacancies in office—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

MURPHY, Select Committee.

Report adopted.

Senate Bill No. 33 ordered printed and reëngrossed.

LEAVE OF ABSENCE.

Mr. White was granted leave of absence on account of sickness.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled: Senate Bill No. 653 -An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

QUESTION OF PRIVILEGE.

Mr. Goucher arose to a question of privilege regarding certain statements in the San Francisco "Examiner" and "Call" of March ninth, concerning the votes taken in the Senate last evening during the consideration of certain appointments by the Governor. He denounced the statements so made as unqualifiedly false.

Mr. Murphy disclaimed having said anything that would justify the reference to himself in the statement made by the "Call" regarding Mr. Goucher and several other Senators.

Mr. Mead said that the reference to him in the articles spoken of was utterly untrue, and denounced as infamous lies any charge, from any source, that he had been concerned in any improper combinations.

MOTION.

Mr. Preston moved that the Educational Bill be taken up.

SPECIAL ORDER.

Consideration of Assembly Concurrent Resolution, relative to action on Senate and Assembly Bills.

It was made the special order for Monday, at eleven o'clock A. M.

MOTIONS.

Mr. Moffitt moved that all amendments to the Educational Bill be withdrawn, and that the bill be placed upon its final passage.

Mr. Heacock moved that Assembly Bill No. 54 be placed at the head of second-reading special file.

So ordered.

RESOLUTION.

By Mr. Murphy:

Resolved, That the Senate Journal Clerk be instructed to purchase two journals, of five hundred pages each, for the use of the Senate, same to be paid for out of the Contingent Fund of the Senate.

Adopted.

MOTION.

Mr. Heacock moved that the vote by which the Senate adopted the amendments to Assembly Bill No. 54 be reconsidered.

ADJOURNMENT.

Pending the consideration of the amendments to Assembly Bill No. 54, at two o'clock and thirty minutes P. M. the Senate adjourned, pursuant to resolution adopted this day.

IN SENATE.

SENATE CHAMBER,
Monday, March 11, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Greely, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, White, and Wilson.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

APPROVAL OF JOURNALS.

Journals of Tuesday, Wednesday, Thursday, and Friday approved.

PETITION.

By Mr. McComas:

To the Legislature of the State of California:

The Department of California, Grand Army of the Republic, respectfully represents that as it has been the custom of men in all ages to honor the ashes of the heroic dead, and to perpetuate their memory, and as in certain cases where honorably discharged soldiers, sailors, or marines who faithfully served the United States during the war may die without leaving means to provide a burial, therefore we memorialize the Legislature of the State of California, at its twenty-eighth annual session, to enact such laws as will provide an honored grave for such deceased soldier, sailor, or marine.

Each State of the United States was alike benefited by the sacrifices made by the defenders of the Union, and all have shared the peace and prosperity resulting from its preservation.

The States of Connecticut, New York, New Jersey, Pennsylvania, Ohio, Wisconsin, Iowa, Kansas, and Colorado have enacted laws by which each honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during the war, and who may die without means to provide a burial, shall receive an honored grave, and also an appropriate headstone to designate his last resting place.

The bodies of paupers who die in the county hospitals in many cases are used by the students of medical colleges for the purpose of dissection, and so fail to receive proper burial.

It would be a disgrace to every citizen of the State of California to have the defenders of the Republic, who braved mutilation and death in battle, treated as paupers without friends, when their services in the past had been of such value as to fairly earn a grave in time of peace.

California has always kept in line with the loyal States in supporting the Union; she responded liberally to every call for help during the dark days of rebellion, and we know that a request for an honored grave as a last resting place to each indigent soldier, sailor, or marine who fought under the old flag, and who has received an honorable discharge from the service of the United States, will be granted by the State of California.

EDWARD E. CHEVER, San Francisco, Chairman,
B. O. CARR, St. Helena,
GEO. E. GARD, Los Angeles,
L. TOZER, Sacramento,
W. H. H. HART, San Francisco,
J. B. FULLER, Marysville,

Committee.

The Committee on Resolutions of the twenty-first annual encampment of the Department of California, G. A. R., assembled at Santa Rosa March fourteenth, fifteenth, and sixteenth, reported on the above resolutions March sixteenth, as follows:

"We recommend the adoption of the resolution introduced by Comrade Chever, of George H. Thomas Post, No. 2, memorializing the Legislature of the State to pass a law providing for the burial of honorably discharged soldiers, sailors, and marines."

H. C. DIBBLE,
W. H. SEAMANS,
E. J. McBRIDE,
C. J. BOSKOWITZ,
Committee on Resolutions.

The resolution was unanimously adopted.

T. H. GOODMAN,
Department Commander.
T. J. TAYLOR,
Assistant Adjutant-General.

SAN FRANCISCO, January 2, 1889.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 11, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 143—An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, etc.

Also, Senate Bill No. 456—An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State to provide pensions or benefits for the relief of aged, infirm, or disabled firemen.

Also, Substitute for Senate Bill No. 402—An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Also, Senate Bill No. 653—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Senate Bill No. 183—An Act to amend an Act entitled "An Act to amend section two thousand one hundred and thirty-seven of 'An Act to establish a Political Code,' approved March 12, 1872, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton," approved March 13, 1883.

Senate Bill No. 302—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Senate Bill No. 459—An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Senate Bill No. 285—An Act entitled "An Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885."

Assembly Bill No. 186—An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children, approved March 9, 1887.

Assembly Bill No. 283—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State asylums for the insane, and for the control and management of a resulting contingent fund.

Assembly Bill No. 431—An Act to provide for the erection of new buildings, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Assembly Bill No. 435—An Act to provide for furnishing the boiler house, and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Senate Bill No. 296—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving of pure California wine labels.

Senate Bill No. 179—An Act making an appropriation to pay the claim of W. F. Purnell.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 419 withdrawn, and Assembly Bill No. 434 substituted therefor.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bill No. 434 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Spellacy, White, and Yell—29.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 434.

Assembly Bill No. 434—An Act to provide for the erection of new buildings, and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Preston, Roth, Spellacy, White, Wilson, and Yell—30.

NOES—None.

Title read and approved.

Mr. Heacock moved that Assembly Bill No. 434 be immediately transmitted to the Assembly.

So ordered.

SUBSTITUTION OF BILL.

Senate Bill No. 418 withdrawn and Assembly Bill No. 435 substituted therefor.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bill No. 435 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, White, Wilson, and Yell—29.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 435.

Assembly Bill No. 435—An Act to provide for furnishing the boiler house, and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, White, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Mr. Heacock moved that Assembly Bill No. 435 be immediately transmitted to the Assembly.

So ordered.

ORDERED TO ENROLLMENT.

Senate Bills Nos. 31, 27, 103, 218, 183, 362, 459, 285, 296, 587, and 176 ordered to enrollment.

SUBSTITUTION OF BILL.

Senate Bill No. 319 withdrawn and Assembly Bill No. 621 substituted therefor.

RESOLUTION.

By Mr. De Long:

Resolved, That Assembly Bill No. 621 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Murphy, Pinder, Preston, Roth, Spellacy, White, Wilson, and Yell—28.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 621—An Act making an appropriation to pay the expenses incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

ED. E. LEAKE, Chief Clerk.

PASSAGE OF ASSEMBLY BILL No. 621.

Assembly Bill No. 621—An Act making an appropriation to pay the expenses incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Campbell, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, White, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Mr. De Long moved that Assembly Bill No. 621 be immediately transmitted to the Assembly.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 611—An Act to provide for the maintenance and support of the public parks heretofore created within the various cities and counties of the State, and to amend the existing Acts in relation thereto.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

SUBSTITUTION OF BILL.

Senate Bill No. 615 withdrawn, and Assembly Bill No. 611 substituted therefor.

RESOLUTION.

By Mr. Wilson:

Resolved, That Assembly Bill No. 611 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Spellacy, White, Wilson, and Yell—31.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 611.

Assembly Bill No. 611—An Act to provide for the maintenance and support of the public parks heretofore created within the various cities and counties of the State, and to amend the existing Acts in relation thereto.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Spellacy, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Mr. Wilson moved that Assembly Bill No. 611 be immediately transmitted to the Assembly.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Substitute for Assembly Bill No. 412—An Act prohibiting the sale or offering for sale, by the State Board of Prison Directors, the Wardens of the Prisons, or persons in authority, of any article or material made, manufactured, or quarried in any of the products of labor of said prisons, excepting jute grain bags and undressed granite.

Also, adopted Senate Concurrent Resolution No. 17.

Also, passed Senate Bill No. 34—An Act making an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Also, adopted Assembly Concurrent Resolution No. 16—Relative to Yosemite Valley, in order that the falls may be preserved.

ED. E. LEAKE, Chief Clerk.

REFERENCE OF BILLS.

Assembly Bill No. 412 on file.
 Assembly Concurrent Resolution No. 17 to enrollment.
 Senate Bill No. 34 to enrollment.
 Assembly Concurrent Resolution No. 16 on file.

WITHDRAWAL OF BILLS.

Mr. White withdrew Senate Bills Nos. 114, 407, 521, 303, 245, 427, 75, 408, 566, 306, 79, and 482.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 624—An Act to authorize R. C. Ball to sue the State of California.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Clerk.

SUBSTITUTION OF BILL.

Senate Bill No. 298 withdrawn, and Assembly Bill No. 624 substituted therefor.

FIRST READING OF BILL.

Assembly Bill No. 624—An Act to authorize R. C. Ball to sue the State of California.

Read first time, and placed at the foot of second-reading special file.

WITHDRAWAL OF BILLS.

Mr. Goucher withdrew Senate Bills Nos. 573, 374, 341, and 404.

RESOLUTION.

By Mr. McComas:

Resolved, That Assembly Bill No. 50 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, White, and Williams—31.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 50.

Assembly Bill No. 50—An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Spellacy, White, and Williams—30.

Title read and approved.

Mr. McComas moved that Assembly Bill No. 50 be immediately transmitted to the Assembly.

So ordered.

Mr. Preston withdrew Senate Bills Nos. 510 and 320.

Assembly Bills Nos. 186 and 283 placed on file.

SPECIAL ORDERS.

Consideration of Assembly Concurrent Resolution, relative to action on Senate and Assembly Bills, as follows:

Resolved by the Senate and Assembly, That the Senate take final action upon all Assembly Bills which heretofore have or hereafter shall reach the Senate, and that the Assembly take final action upon all Senate Bills which heretofore have or hereafter shall reach the Assembly; be it further

Resolved, That the Senate and Assembly take final action upon all bills now upon the special file, upon the third-reading general file, and which are at the present time special orders; be it further

Resolved, That no other bills be considered by the Senate or the House, except by two-thirds vote, or until such time as the bills in this resolution above mentioned have been finally considered.

Nothing in the above shall prevent the right of any member substituting any bill not included in the above for one included in the above by a majority vote of the House in which said bill is pending, the bill for which another is substituted being dropped from the file.

MOTION.

Mr. Goucher moved that Senate Bill No. 405 be taken up and placed on special file for second reading.

MADE SPECIAL ORDER.

Senate Bill No. 628 made the special order for four o'clock P. M. to-day.

Assembly Bill No. 46 ordered on special second-reading file.

Senate Bill No. 429 ordered to foot of special reading file.

Mr. Bowers withdrew Senate Bills Nos. 411, 246, and 424.

Senate Bill No. 565 placed at the foot of second-reading special file.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 325—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Mr. McGowan moved that the hour of recess be extended until the matter under discussion be disposed of.

So ordered.

Assembly Bill No. 325—An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Caminetti, Conklin, Dray, Heacock, Hinshaw, and Preston—6.

Title read and approved.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Senate Bill No. 33 and Assembly Bill No. 551.

HAMILL, Chairman.

NOTICE OF RECONSIDERATION.

Mr. Yell gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 325 passed the Senate.

RECESS.

At twelve o'clock and twenty minutes, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Senate Bill No. 661 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—30.

NOES—None.

PASSAGE OF SENATE BILL No. 661.

Senate Bill No. 661—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Read first and second times, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—36.

NOES—None.

Title read and approved.

Mr. Moffitt moved that Senate Bill No. 661 be immediately transmitted to the Assembly.

So ordered.

RESOLUTION.

By Mr. Briceland:

Resolved, That Senate Bill No. 660 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—36.
 NOES—None.

FIRST AND SECOND READING OF BILL.

Senate Bill No. 660—An Act to amend section three thousand and sixty-four of the Political Code.

Read first and second times.

Mr. Crandall moved to amend the title by adding: "Relating to health and quarantine."

Adopted.

Bill ordered reprinted and to a third reading.

WITHDRAWAL OF NOTICE OF RECONSIDERATION.

Mr. Yell withdrew his notice of reconsideration of Assembly Bill No. 325, made this morning.

Mr. McGowan moved that Assembly Bill No. 325 be immediately transmitted to the Assembly.

So ordered.

Mr. Pinder withdrew Senate Bill No. 502.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requests the return of Assembly Bill No. 16 for correction.

ED. E. LEAKE, Chief Clerk.

Bill returned, as per request herein.

Also, the following message:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 287—An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

ED. E. LEAKE, Chief Clerk.

Ordered to enrollment.

RESOLUTION.

By Mr. Yell:

Resolved, That Senate Bill No. 646 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

PASSAGE OF SENATE BILL No. 646.

Senate Bill No. 646—An Act entitled an Act imposing certain duties upon the Governor of the State in relation to robberies committed within the State.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Yell moved that Senate Bill No. 646 be immediately transmitted to the Assembly.

So ordered.

Mr. Conklin withdrew Senate Bill No. 221.

Assembly Bill No. 648 ordered on special second-reading file.

Mr. Roth introduced the following Senate Concurrent Resolution:

WHEREAS, Large tracts of agricultural land have been and are claimed under the so called Desert Land Act of March 3, 1877, in the State of California, and have been by order of a former Secretary of the Interior withdrawn from market, as well as from the operation of the Preëmption and Homestead Acts of the United States, to the great detriment of land seekers and the general public; therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the President of the United States be and he is hereby requested, by and through the Interior Department of the Government, to pass upon and determine the matters involved in said order of suspension, to the end that said lands may be restored to the public domain for entry under the land laws of the United States.

Resolved, That a copy of the foregoing preamble and resolution, duly attested, be forwarded to the President of the United States.

Adopted.

RESOLUTION.

By Mr. Goucher:

Resolved, That Senate Bill No. 405 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—36.

NOES—Mr. Crandall—1.

PASSAGE OF SENATE BILL No. 405.

Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—24.
 NOES—Messrs. Boggs, Briceland, Conklin, Crandall, Heacock, Hinshaw, Jones, McComas, Preston, White, and Yell—11.

Title read and approved.

Mr. Campbell changed his vote from "no" to "aye," and gave notice that, on to-morrow, he would move to reconsider the vote by which Senate Bill No. 405 passed the Senate.

Withdrawn.

Mr. Goucher moved that Senate Bill No. 405 be immediately transmitted to the Assembly.

So ordered.

SPECIAL ORDER.

Joint Committee's report relative to Senate and Assembly Bills:

Resolved by the Senate and Assembly. That the Senate take final action upon all Assembly Bills which heretofore have or hereafter shall reach the Senate, and that the Assembly take final action upon all Senate Bills which heretofore have or hereafter shall reach the Assembly: be it further

Resolved. That the Senate and Assembly take final action upon all bills now upon the special file, upon the third-reading general file, and which are at the present time special orders: be it further

Resolved. That no other bills be considered by the Senate or the House, except by two-thirds vote, or until such time as the bills in this resolution above mentioned have been finally considered.

Nothing in the above shall prevent the right of any member substituting any bill not included in the above for one included in the above by a majority vote of the House in which said bill is pending, the bill for which another is substituted being dropped from the file.

Mr. Jones moved that the resolution be adopted.

So ordered.

Mr. Jones moved that the concurrent resolution be immediately transmitted to the Assembly.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the amendments made in the Senate to Assembly Committee Substitute for Assembly Bill No. 22, etc. (County Government Bill), with the exception of the amendment to section one hundred and eighty-four, to which the Assembly respectfully refuses to concur.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

By Mr. Greely:

Resolved. That the Senate recede from so much of its amendment as is found on page fifty of printed bill, as amended in the Senate on March 4, 1889, in lines five, six, and seven, and which reads as follows:

"And mileage for the service of any and all processes required by law to be served by him, at the rate of twenty cents per mile, in going only."

Adopted.

MOTION.

Mr. Moffitt moved that all Senate amendments to Assembly Bill No. 54 be reconsidered.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Jones, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, and Wilson—28.
 NOES—Messrs. Boggs, Hinshaw, Murphy, and Yell—4.

PRESENTATION OF RESIGNATION.

Mr. Caminetti presented his resignation as Chairman of the Committee on Education.

Mr. Greely moved that it be accepted.

Lost.

THIRD READING OF BILL.

Assembly Bill No. 54—An Act to amend sections one thousand five hundred and seventeen, one thousand five hundred and twenty, one thousand five hundred and twenty-one, one thousand five hundred and thirty-two, one thousand five hundred and forty-three, one thousand five hundred and forty-four, one thousand five hundred and fifty-two, one thousand five hundred and sixty-five, one thousand five hundred and seventy-seven, one thousand five hundred and seventy-eight, one thousand five hundred and ninety-three, one thousand six hundred and fourteen, one thousand six hundred and seventeen, one thousand six hundred and twenty, one thousand six hundred and thirty-six, one thousand six hundred and thirty-nine, one thousand six hundred and fifty, one thousand six hundred and fifty-one, one thousand six hundred and sixty-three, one thousand six hundred and sixty-five, one thousand six hundred and eighty-seven, one thousand six hundred and ninety-six, one thousand six hundred and ninety-nine, one thousand seven hundred and twelve, one thousand seven hundred and sixty-eight, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, one thousand seven hundred and seventy-three, one thousand seven hundred and seventy-five, one thousand seven hundred and ninety-two, one thousand eight hundred and seventeen, one thousand eight hundred and fifty-eight, one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-nine, one thousand eight hundred and eighty, and to repeal sections one thousand five hundred and eighty, one thousand five hundred and eighty-two, one thousand five hundred and ninety-four, one thousand six hundred and twelve, and one thousand six hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools, and adding new sections thereto, to be known as sections one thousand seven hundred and seventy-six and one thousand eight hundred and eighty-nine, also relating to public schools.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, and Wilson—32.

NOES—Mr. Yell—1.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 54 passed the Senate.

BILLS ORDERED ON SPECIAL FILE.

The following bills were ordered on special file:

Senate Bill No. 310, second reading.
Senate Bill No. 531, second reading.
Senate Bill No. 188, third reading.
Senate Bill No. 279, second reading.
Assembly Bill No. 648, second reading.
Senate Bill No. 155, second reading.
Senate Bill No. 451, first reading.
Senate Bill No. 358, second reading.
Senate Bill No. 532, second reading.
Senate Bill No. 600, second reading.
Assembly Bill No. 83, second reading.
Senate Bill No. 372, second reading.
Senate Bill No. 373, second reading.
Senate Bill No. 575, second reading.
Senate Bill No. 577, second reading.
Senate Bill No. 576, second reading.
Senate Bill No. 399, second reading.
Senate Bill No. 475, second reading.
Senate Bill No. 361, first reading.
Senate Bill No. 533, second reading.
Senate Bill No. 333, second reading.
Senate Bill No. 463, second reading.
Senate Bill No. 442, second reading.
Senate Bill No. 125, second reading.
Senate Bill No. 594, second reading.
Senate Bill No. 510, first reading.
Substitute for Senate Bill No. 30 and Senate Bill No. 570, second reading.
Senate Bill No. 132, second reading.
Senate Bill No. 460, second reading.
Senate Bill No. 271, second reading.
Senate Bill No. 35, second reading.
Senate Bill No. 602, first reading.
Senate Bill No. 614, second reading.
Senate Bill No. 321, third reading.
Assembly Bill No. 617, first reading.
Senate Bill No. 654, first reading.
Senate Bill No. 657, first reading.
Senate Bill No. 658, first reading.
Senate Bill No. 567, second reading.
Senate Bill No. 568, second reading.
Senate Bill No. 464, second reading.
Senate Bill No. 301, second reading.
Senate Bill No. 465, second reading.
Senate Bill No. 481, second reading.
Senate Bill No. 480, second reading.
Senate Bill No. 447, third reading.

WITHDRAWAL OF BILLS.

Mr. Heacock withdrew Senate Bill No. 133 (No. 91 on file), Senate Bill No. 523 (No. 137 on file), Senate Bill No. 130 (No. 184 on file), and Senate Bill No. 522 (No. 224 on file).

Mr. McComas withdrew Senate Bill No. 472 (No. 80 on file).

RESOLUTION.

By Mr. Murphy:

Resolved, That Senate Bill No. 565 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell—31.

NOES—Mr. Campbell—1.

SECOND READING OF BILL.

Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

Bill read second time, and amended as follows:

Insert in section one, in the blank, "two thousand (\$2,000) dollars."

Adopted.

Bill ordered printed, engrossed, and to a third reading.

MADE SPECIAL ORDER.

Upon motion of Mr. Murphy, the same was made the special order for ten o'clock and thirty minutes A. M. to-morrow.

RESOLUTION.

By Mr. Dray:

Resolved, That Assembly Bill No. 185 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Preston, Roth, Welch, White, Williams, and Yell—30.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 185.

Assembly Bill No. 185—An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, Williams, and Wilson—33.

NOES—Messrs. White and Yell—2.

Title amended as follows, by Mr. Dray:

Amend by adding: "and to appropriate money therefor."

Adopted.

Title read and approved.

Mr. Dray moved that Assembly Bill No. 185 be immediately transmitted to the Assembly.

So ordered.

Mr. Yell in the chair.

RESOLUTION.

By Mr. Jones:

Resolved, That Assembly Bill No. 651 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 651.

Assembly Bill No. 651—An Act to amend section two of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters."

Read second and third times, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Jones moved that Assembly Bill No. 651 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Welch moved that Assembly Bill No. 211 be taken up, read first time, and placed at foot of second-reading special file.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 211—An Act entitled "An Act to amend the Political Code of the State of California, by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto."

Read first time, and ordered at foot of special second-reading file.

SECOND READING OF BILL.

Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed,

and to give surviving Directors power to settle the affairs of such corporations.

Read second time.

Mr. Hamill moved to amend as follows:

Strike out all of section one.

Adopted.

Also, amend by striking out of section two, lines one and two, the words "referred to in section one of this Act," and insert the following: "Formed under an Act entitled 'An Act to authorize the formation of corporations, to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May 20, 1861, and the Acts amendatory thereof and supplementary thereto, and also under Title IX, of Part IV, of the Civil Code, concerning homestead corporations, and the Acts amendatory thereof and supplementary thereto, which corporations have been formed for periods limited in their respective articles of incorporation, and which said conveyances were made.'"

Adopted.

Also, amend by striking out of section one, line eleven, the words "section one of."

Adopted.

Also, in section three, line eighteen, strike out the word "give" and insert the word "gives."

Adopted.

Also, strike out section two.

Adopted.

Also, renumber section three and make it section two.

Adopted.

Senate Bill No. 628 ordered printed and engrossed, and made the special order for to-morrow, at four o'clock P. M.

WITHDRAWAL OF NOTICE OF RECONSIDERATION.

MR. PRESIDENT: Favoring the general provisions of Assembly Bill No. 54, known as the "Omnibus Educational Bill," and not desiring to unnecessarily delay final action thereon, I now withdraw my notice, this day given, to move a reconsideration of the vote by which the Senate passed the same.

At the same time I enter my protest against the action of the Senate in refusing to consider the amendments offered by the Committee on Education, as in so doing I believe it has given assent to propositions which, standing on their own merits, would not have received its approval.

A. CAMINETTI.

SECOND READING OF BILL.

Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Read second time, and amended as follows:

By Mr. Dargie:

Amend by striking out of section one, line six, the words "and furnishing."

Adopted.

Also, amend by striking out of section one, line eight, the word "five," and insert in lieu thereof the word "ten."

Adopted.

Also, amend by striking out of section one, line one, the word "seventy-four," and inserting in lieu thereof the word "seventy-nine."

Adopted.

Also, amend the title, by adding: "and making an appropriation for the same."

Adopted.

Assembly Bill No. 83 ordered printed and to a third reading.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 588—An Act to amend "An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons," approved April 1, 1878.

Also, Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 265—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Also, Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Also, Senate Concurrent Resolution No. 14—Relating to the assent of the State of California to grants, purposes, and conditions of the Act of Congress entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862, and of the Acts supplementary thereto," approved March 2, 1887.

Also, Senate Bill No. 362—An Act to amend section one, section three, and section four of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend section three of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874.

Also, Senate Bill No. 285—An Act entitled "An Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Centennial Cotton Exposition, from November 15, 1884, to June 15, 1885."

Also, Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California, known as the "Adult Blind Fund, Unavailable."

Also, Senate Bill No. 129—An Act entitled an Act for the relief of Gregory Valero.

Also, Senate Bill No. 459—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 107—An Act to appropriate money to pay the claim of William Gutenberg for mechanics' tools and property destroyed at the Branch State Prison at Folsom.

Also, Senate Bill No. 34—An Act making an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Also, Senate Bill No. 148—An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities, and towns, and to the inhabitants thereof.

Also, Senate Bill No. 103—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Also, Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 39—An Act to amend section nine hundred and sixty-three of the Code of Civil Procedure of the State of California.

Also, Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building.

Also, Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Also, Senate Bill No. 296—An Act for the relief of I. G. Wickersham, for moneys expended in the matter of the extradition of Ang Tai Duck.

Also, Concurrent Resolution No. 17—Relative to the organization of a naval militia force under the control of the Government.

Also, Substitute for Senate Bill No. 282—An Act to amend an Act entitled "An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across Feather River," approved April 11, 1859, and to repeal section one thereof.

Also, Senate Bill No. 183—An Act to amend an Act entitled "An Act to amend section two thousand one hundred and thirty-seven of 'An Act to establish a Political Code,' approved March 12, 1872, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton," approved March 13, 1883.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MOTION.

Mr. Dixon moved to take up Assembly Bill No. 171.

So ordered.

FIRST READING OF BILLS.

Assembly Bill No. 171—An Act to prevent the capture and destruction of blue cranes in this State.

Read first time, and ordered on special second-reading file.

Assembly Bill No. 286—An Act to amend sections five, six, and eleven of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

Read first time, and placed at foot of second-reading special file.

MOTION.

Mr. Roth moved to take up Senate Bill No. 469.

So ordered.

THIRD READING OF BILL.

Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—33.

NOES—None.

Title read and approved.

Mr. Roth moved that Senate Bill No. 469 be immediately transmitted to the Assembly.

So ordered.

MOTIONS.

Mr. Jones moved that Assembly Bill No. 490 be recalled from committee and be placed at foot of special file.

So ordered.

Mr. Murphy moved to take up Senate Bills Nos. 372 and 373.

So ordered.

SECOND READING OF BILLS.

Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children.

Read second time, and amended as follows:

Amend title by adding the words "and making an appropriation therefor."

Adopted.

In line five, after word "his," insert the words "warrants from time to time."

Adopted.

Ordered engrossed and on special third-reading file.

Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children.

Read second time, and amended as follows:

Amend title by adding "and making an appropriation therefor."

Adopted.

In line three, before the word "for," insert the words "and furnishing."

Adopted.

In line five, after the word "his," insert the words "warrants from time to time."

Adopted.

Bill ordered engrossed and on third-reading special file.

MOTION.

Mr. De Long moved to take up Senate Bill No. 533.

So ordered.

SECOND READING OF BILL.

Senate Bill No. 533—An Act to amend an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885.

Read second time, and ordered on special third-reading file.

RECESS.

At five o'clock, on motion of Mr. Jones, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met at eight o'clock P. M., pursuant to recess.

Mr. Yell in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell.

Quorum present.

Senate Bill No. 487 withdrawn.

SPECIAL ORDER POSTPONED.

The special order set for eight o'clock P. M., consideration of Senate Bill No. 211, was postponed until to-morrow, at eight o'clock and thirty minutes P. M.

PERMISSION TO INTRODUCE A BILL.

Mr. Dray asked permission to introduce a bill out of order.

The roll was called, and permission granted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, and Yell—31.

NOES—None.

INTRODUCTION OF BILL.

By Mr. Dray: Senate Bill No. 662—An Act to authorize the payment of claims against the State, which were incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

Read first time, ordered printed, and made the special order for to-morrow, immediately after the order "Reading of the Journal."

MOTION.

Mr. Goucher moved that the Senate take up all bills on third-reading special file, then to take up the order, third-reading general file.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—34.

NOES—Messrs. Conklin and Preston—2.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendments to Assembly Bills Nos. 97, 568, and 326, and ordered the same to enrollment.

ED. E. LEAKE, Chief Clerk.

By J. O. BEALE, Assistant Clerk.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Read third time.

Mr. Moffitt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Brynes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell.

Further proceedings under the call of the Senate were dispensed with.

Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of the Civil Code of the State of California.

Passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hinshaw, Jones, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, and Williams—27.

NOES—Messrs. Boggs, Caminetti, Fraser, Hamill, Heacock, Langford, McComas, Sprague, Wilson, and Yell—10.

Title read and approved.

MOTION TO RECONSIDER.

Mr. Jones gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 227 passed the Senate.

MOTIONS.

Mr. Bowers moved to recommit Assembly Bill No. 490 to the Committee on City, City and County, and Town Governments.

Mr. Sprague moved, as an amendment, that the bill be committed to the Committee on Judiciary, and that they report the same back to-morrow, at two o'clock p. m., and thereupon Assembly Bill No. 490 be placed on the special file.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Banks, Boggs, De Long, Flint, Fraser, Greely, Hamill, Jones, Langford, McDonald, and Sprague—11.

NOES—Messrs. Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Goucher, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, Wilson, and Yell—26.

Mr. Jones moved that Assembly Bill No. 490 be committed to the Committee on City, City and County, and Town Governments, and the same be reported back to-morrow, at two o'clock p. m., and thereupon placed on the special file.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, Williams, Wilson, and Yell—32.

NOES—Messrs. Byrnes, Hamill, McGowan, and Sprague—4.

REPORT OF STANDING COMMITTEE.

ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: Your Committee on Elections, to whom was referred Assembly Bill No. 625—An Act to amend section one thousand one hundred and ninety-one of the Political Code, relating to election tickets and ballots—have had the same under consideration, and respectfully report the same back, without recommendation.

YELL, Chairman.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Substitute for Senate Bills Nos. 449 and 450—An Act to amend sections three hundred and seven and three hundred and twelve of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to

the better protection of stockholders of corporations, and providing a penalty for the violation of the provisions hereof.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Pinder, Preston, Roth, Spellacy, Sprague, and Yell—28.

NOES—Mr. De Long—1.

Title read and approved.

Assembly Bill No. 156—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Flint, Fraser, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Welch, and Williams—23.

NOES—Mr. Yell—1.

Title read and approved.

Assembly Bill No. 551—An Act to authorize the several counties of the State to create a bonded indebtedness for certain purposes.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Roth, Williams, Wilson, and Yell—27.

NOES—None.

Title read and approved.

Mr. Heacock moved that Assembly Bill No. 551 be immediately transmitted to the Assembly.

So ordered.

GENERAL FILE—THIRD READING OF BILLS.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Mr. Wilson moved to commit the bill to a committee of one, consisting of Mr. Murphy, with instructions to amend, as follows:

Strike out in section two, line four, the words "if in a city, or city and county, by the Mayor."

The committee of one made the following report:

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: Your select committee to whom was referred Senate Bill No. 33, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

MURPHY, Select Committee.

Report adopted.

Senate Bill No. 33 ordered reprinted, reëngrossed, and to the foot of special third-reading file.

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as sections six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and

eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of said Board and its employes, and defining the powers and duties of said Board, and making appropriation for traveling expenses.

Mr. Britt moved that the bill be committed to a committee of one, consisting of Mr. Murphy, to amend, as follows:

Strike out of section one, line six, after the word "Governor," the words "of the State is" and insert the following: "the Controller of State and State Treasurer are."

CALL OF THE SENATE.

Mr. Britt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell.

Messrs. Campbell and Hamill before the bar of the Senate.

Messrs. Campbell and Hamill were excused.

Mr. Heacock moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

MOTIONS.

Mr. Goucher moved that all bills on third-reading general file be placed at foot of third-reading special file.

So ordered.

Mr. Pinder moved to adjourn.

The roll was called, and the motion prevailed by the following vote:

AYES—MESSRS. Briceland, Britt, Conklin, Crandall, Dixon, Goucher, Hamill, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, Williams, and Yell—20.

NOES—MESSRS. Banks, Boggs, Campbell, Dargie, DeLong, Dray, Flint, Fraser, Greely, Heacock, McGowan, Moffitt, Preston, Sprague, and Wilson—15.

ADJOURNMENT.

Thereupon, at eleven o'clock p. m. the Senate adjourned.

IN SENATE.

SENATE CHAMBER.

Tuesday, March 12, 1889.

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

SPECIAL ORDERS.

Senate Bill No. 662—An Act to authorize the payment of claims against the State, which were incurred under "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

RESOLUTION.

By Mr. Dray:

Resolved, That Senate Bill No. 662 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—31.

NOES—None.

PASSAGE OF SENATE BILL No. 662.

Senate Bill No. 662—An Act to authorize the payment of claims against the State, which were incurred under "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Murphy, Pinder, Preston, Roth, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Mr. Dray moved that Senate Bill No. 662 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Williams moved that immediately after recess the roll be called, and as each Senator's name is called he hand in a list of bills which he desires withdrawn.

So ordered.

PERMISSION TO INTRODUCE A BILL REFUSED.

Mr. Caminetti asked leave to introduce a bill.

The roll was called, and permission refused by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, and White—25.

NOES—Messrs. Campbell, Conklin, Crandall, Welch, and Williams—5.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bills have been correctly engrossed: Senate Bills Nos. 373, 372, 533, 660, 565, 628, and 33; also, amendments to Assembly Bill No. 83.

DIXON, Acting Chairman.

SPECIAL FILE—THIRD READING OF BILLS.

Mr. Jones moved to reconsider the vote by which Assembly Bill No. 227 passed the Senate.

Mr. Jones moved that further consideration be made the special order for to-morrow, at two o'clock P. M.

So ordered.

Senate Bill No. 660—An Act to amend section three thousand and sixty-four of the Political Code.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Murphy, Pinder, Preston, Roth, Sprague, Welch, Williams, and Wilson—28.

NOES—Messrs. Campbell, Crandall, Langford, Meany, and White—5.

Title read and approved.

Mr. Briceland moved that Senate Bill No. 660 be immediately transmitted to the Assembly.

So ordered.

SPECIAL ORDER.

Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

Mr. Murphy moved that Senate Bill No. 565 be immediately transmitted to the Assembly.

So ordered.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Jones, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Roth, Sprague, Welch, White, and Williams—27.

NOES—Messrs. Conklin, Crandall, Fraser, Hinshaw, Langford, and Preston—6.

Title read and approved.

Mr. Murphy moved that Senate Bill No. 372 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Sprague, Welch, White, and Williams—31.

NOES—Mr. Langford—1.

Title read and approved.

Mr. Murphy moved that Senate Bill No. 373 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 533—An Act to amend an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Preston, Roth, Sprague, Welch, and White—30.

NOES—None.

Title read and approved.

Mr. De Long moved that Senate Bill No. 533 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 321—An Act to amend section four hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, and White—31.

NOES—None.

Title read and approved.

Mr. Preston moved that Senate Bill No. 321 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Murphy moved to take up Assembly Bill No. 186—An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children, approved March 9, 1887.

So ordered.

RESOLUTION.

By Mr. Murphy:

Resolved, That Assembly Bill No. 186 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, and White—29.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 186.

Assembly Bill No. 186—An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children, approved March 9, 1887.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Wilson—34.

NOES—None.

Title read and approved.

Mr. Murphy moved that Assembly Bill No. 186 be immediately transmitted to the Assembly.

So ordered.

RESOLUTION.

By Mr. Boggs:

Resolved, That Senate Bills Nos. 481 and 480 present a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills be this day read the second and third times, and placed upon their passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—31.

NOES—None.

PASSAGE OF SENATE BILL No. 481.

Senate Bill No. 481—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—31.

NOES—None.

Title read and approved.

PASSAGE OF SENATE BILL No. 480.

Senate Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to compensation of trustees.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—35.
 NOES—None.

Title read and approved.

Mr. Boggs moved that Senate Bills Nos. 481 and 480 be immediately transmitted to the Assembly.

So ordered.

RESOLUTION.

By Mr. Goucher:

Resolved, That the Controller be and is hereby authorized to draw his warrant upon the State Treasurer in favor of J. H. Wall, for the sum of twenty-seven dollars and twenty cents, due him for mileage and services as a witness before the Senate Committee on State Prisons and Prison Buildings, as per statement attached.

SACRAMENTO, March 9, 1889.

State of California to J. H. Wall, Dr.:

March 4, 1889—To mileage as witness before the Senate Committee on State Prisons and Prison Buildings, from San Quentin to Sacramento and return.....	\$19 20
March 9, 1889—To per diem as such witness for four days, at \$2 per day.....	8 00
Total.....	\$27 20

Approved:

GOUCHER, Chairman Committee.

Also:

Resolved, That the Controller is hereby directed to draw his warrant in favor of C. J. McCarthy for the sum of forty-three dollars and thirty cents, for services rendered subpoenaing witnesses in the matter of investigation of State Prison affairs, as per statement attached.

SACRAMENTO, March 8, 1889.

Senate of State of California to C. J. McCarthy, Dr.:

March 2, 1889—To services rendered subpoenaing Thomas McGann in matter of State Prison investigation, mileage from San Quentin, ninety-two miles.....	\$18 40
March 4, 1889—To services rendered subpoenaing J. H. Wall, from same place, ninety-two miles.....	18 40
To expenses, railroad fare Sacramento to San Quentin and return.....	6 50
Total.....	\$43 30

Approved:

GOUCHER, Chairman.

Also:

Resolved, That J. L. Holland, stenographer of the Senate Committee on State Prisons, be and he is hereby allowed the sum of six hundred and fifteen dollars and forty cents, for thirteen days' services, at the rate of ten dollars per day, in reporting testimony taken before said committee in the investigation into the affairs and management of the State Prisons of California, and for transcribing, by order of the committee, two thousand four hundred and twenty-seven folios of testimony, at the rate of twenty cents per folio. Said sum to be payable from the Contingent Fund of the Senate. And the Controller is hereby directed to draw his warrant in favor of J. L. Holland for the sum of six hundred and fifteen dollars and forty cents (\$615 40), payable from the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Also:

Resolved, That the Controller is hereby directed to draw his warrant in favor of George W. Faylor, Sergeant-at-Arms, for the sum of one thousand and fifty dollars and eighty cents, being due the above named parties, as per statements herewith appended.

SACRAMENTO, March 8, 1889.

Senate of California to G. W. Faylor, Sergeant-at-Arms, Dr.:

To service rendered in procuring witnesses in the case of the investigation in the matter of State Prison investigation, mileage and expenses, procuring the following named persons: John Siebe, Thomas Chandler, D. J. McCarthy, W. J. Ryan, Thomas Ryan, H. L. Luttrell, and John Kerrigan.

Mileage	\$16 80
Railroad fare and buggy hire	11 50
	<u>\$28 30</u>
Amount due Chairman and Clerk of Prison Committee for telegraphing to witnesses	6 50
Total	<u>\$34 80</u>
Approved:	GOUCHER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: The Committee on State Prisons and Prison Buildings respectfully submit the following expense bill to the Senate for mileage and per diem of the following persons, for attendance before said committee on a certain investigation of affairs concerning the management of State Prisons:

J. J. Scrivner—eighty-four miles	\$16 80
Ten days	20 00
Daniel O'Connell—eighty-four miles	16 80
Five days	10 00
Mike Smith—eighty-four miles	16 80
Two days	4 00
J. W. McKenzie—eighty-four miles	16 80
Two days	4 00
Edward Kelly—eighty-four miles	16 80
Two days	4 00
M. Lichtenberg—eighty-four miles	16 80
Eight days	16 00
Charles Sonntag—eighty-four miles	16 80
Eight days	16 00
H. L. Luttrell—eighty-four miles	16 80
Four days	8 00
Thos. Chandler—eighty-four miles	16 80
Three days	6 00
W. J. Ryan—eighty-four miles	16 80
Four days	8 00
Thos. Ryan—eighty-four miles	16 80
Four days	8 00
John Siebe—eighty-four miles	16 80
Four days	8 00
D. J. McCarthy—eighty-four miles	16 80
Three days	6 00
J. Keenan—eighty-four miles	16 80
Four days	8 00
John Kerrigan—eighty-four miles	16 80
Five days	10 00
Robt. Devlin—one mile	20
One day	2 00
H. Mahler—one mile	20
One day	2 00
M. Dangerfield—one mile	20
One day	2 00
J. M. Miner—one mile	20
One day	2 00
Joseph Craig—twenty miles	4 00
Two days	4 00
E. J. DePue—ninety-one miles	18 20
Five days	10 00
J. P. Ames—ninety-one miles	18 20
Two days	4 00
John McComb—ninety-six miles	19 20
Twelve days	24 00
John McComb, Jr.—ninety-six miles	19 20
Twelve days	24 00
J. McCrea—ninety-six miles	19 20
Two days	4 00
E. A. Boell—ninety-six miles	19 20
Twelve days	24 00
Dr. Durant—ninety-six miles	19 20
Two days	4 00
Geo. W. Thomas—ninety-six miles	19 20
Twelve days	24 00
H. C. Phillips—eighty-four miles	16 80
Twelve days	24 00

D. Wooley—ninety-six miles.....	\$19 20
Five days	10 00
J. K. Luttrell—one hundred and forty-one miles	28 20
Twelve days	21 00
J. W. Anderson—forty miles.....	8 00
Twelve days.....	24 00
J. T. Wells—Forty miles	8 00
Two days	4 00
George Marion—twenty-three miles.....	4 60
Two days	4 00
F. Myers—twenty-three miles.....	4 60
Nine days.....	18 00
A. Cassidy—twenty-three miles	4 60
Four days.....	8 00
M. Paul—twenty-three miles	4 60
Four days.....	8 00
F. Biernes—twenty-three miles	4 60
Four days.....	8 00
J. H. Hendricks—twenty-three miles.....	4 60
Twelve days	24 00
S. W. Backus—three hundred and sixty-nine miles.....	73 80
Two days	4 00
Total	\$1,016 00

Approved:

GOUCHER, Chairman.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL ORDER.

Consideration of Governor's message relating to appointments.

CALL OF SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

RULING OF CHAIR.

Upon the point of order raised by Mr. Murphy at the time of the reconsideration of the Governor's appointments, the Chair ruled as follows:

The question to which the ruling must be addressed is, has the Senate the power to reconsider a vote whereby an appointment of the Governor was either confirmed or rejected? In examining the rules which the Senate has adopted for its guidance, I find no provision for such reconsideration, and my opinion at the time the question was raised was that the cause of the omission of any prescribed method or mode of reconsideration in the rules, that therefore the power did not exist. However, after careful examination of the subject, I have concluded that my opinion as then existing was wrong. Although the rules are silent upon the subject, the thirty-fourth rule prescribes as follows:

"Cases Not Provided For Cushing to Govern—In all cases not provided for by these rules the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies."

Examining the work of Mr. Cushing upon the subject referred to, I find the following: "Section 1266. It is usual in our legislative bodies, and in other deliberative assemblies of a permanent character, to regulate by a special rule the time, manner, and by whom a motion to reconsider may be made; as, for example, that it shall be made only on the same or a succeeding day, or within a given number of days, by a member who voted with the majority, or at a time when there are as many members present as there were when the vote passed; but where there is no special rule on the subject (and that is the case here) a motion to reconsider may be made at any time or by any member precisely like any other motion, and subject to no other rules."

It seems to the Chair that the rules which prescribe the method of reconsideration are not in the nature of additions to the power of the Senate, but are rather restrictive in that power; and following the rules prescribed for the government of this body in the premises, is in fact giving to the Senate leave to exercise that power which it possesses at any time. The points of order heretofore made on this subject are overruled.

MOTION.

Mr. Murphy moved to dispense with further proceedings under the call. The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Crandall, Dixon, Goucher, McDonald, Mead, Moffitt, Murphy, and Pinder—9.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Meany, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—29.

Mr. Greely appeared before the bar of the Senate, and, on motion of Mr. Dargie, was excused.

Mr. Wilson moved that the hour of recess be extended till the pending matter be disposed of.

So ordered.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Wilson moved that further proceedings under the call be dispensed with.

So ordered.

QUESTION OF PRIVILEGE.

Mr. Goucher arose to a question of privilege, regarding a publication in the Stockton "Mail," in which his name was mentioned. He described the article as false in its statements.

MOTION.

Mr. Murphy moved that the Senate go into executive session.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Conklin, Crandall, Dixon, Jones, Langford, McDonald, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—17.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, Mead, Meany, Preston, Roth, Sprague, and Wilson—21.

MOTIONS TO RECONSIDER.

Mr. Wilson called up his motion to reconsider the vote by which the Senate refused to advise and consent to the appointment of E. W. Travers as Pilot Commissioner for San Francisco.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—19.

NOES—MESSRS. Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Wilson called up his motion to reconsider the vote by which the Senate refused to advise and consent to the appointment of Oliver Eldridge as Pilot Commissioner for San Francisco.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—19.

NOES—MESSRS. Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Wilson called up his motion to reconsider the vote by which the Senate refused to advise and consent to the appointment of Joseph D. Redding as Fish Commissioner, vice Routier, removed.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—18.

NOES—MESSRS. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—21.

Mr. Wilson called up his motion to reconsider the vote by which the Senate refused to advise and consent to the appointment of John K. Orr as Fish Commissioner, vice J. Downey Harvey, removed.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—19.

NOES—MESSRS. Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Wilson called up his motion to reconsider the vote by which the Senate refused to advise and consent to the appointment of J. R. Laine as member of the State Board of Health, vice G. G. Tyrrell, term expired.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Bowers, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Heacock, Jones, McComas, McGowan, Preston, Wilson, and Yell—18.

NOES—MESSRS. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—20.

Mr. Sprague explained his vote by saying that he had promised a number of his constituents not to vote to displace Dr. Tyrrell, and his word held good.

Mr. White explained his vote by saying that he voted "no" because, if a reconsideration were ordered, the result would not be affected, and he did not wish to waste further time of the Senate.

Mr. Yell explained his vote by saying that he stood by the decision of the caucus and his promise to Dr. Laine and his friends.

Mr. Sprague called up his motion to reconsider the vote by which the Senate agreed to advise and consent to the appointment of Joseph Craig as a State Prison Director, vice J. K. Luttrell, withdrawn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Byrnes, Conklin, Crandall, Dargie, Dixon, Greely, Hinshaw, McGowan, Sprague, Welch, White, and Williams—13.
 NOES—Messrs. Banks, Boggs, Bowers, Briceland, Caminetti, Campbell, De Long, Dray, Flint, Fraser, Goucher, Heacock, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Wilson, and Yell—25.

Mr. Mead said he desired the record to show that he intended to vote in favor of reconsideration, but by inadvertence voted otherwise.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, March 7, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, appointed Frederick Arnold a Director of the Insane Asylum at Stockton, vice L. M. Cutting, withdrawn.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of Frederick Arnold as Director of the Insane Asylum at Stockton, vice L. M. Cutting, withdrawn?" the roll was called, with the following result:

AYES—Messrs. Banks, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Greely, Heacock, McGowan, McComas, Preston, Sprague, and Wilson—18.
 NOES—Messrs. Boggs, Bowers, Briceland, Britt, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—21.

Whereupon, the President pro tem. announced that the Senate refused to advise and consent to the appointment.

Upon the question, "Will the Senate advise and consent to the appointment of W. H. Brown as member of the State Board of Harbor Commissioners, vice A. C. Pausell; term expires March 12, 1890?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—33.
 NOES—Messrs. Briceland, Crandall, Hinshaw, Mead, Pinder, and Welch—6.

Whereupon, the President pro tem. announced the appointment of W. H. Brown as member of the State Board of Harbor Commissioners, vice A. C. Pausell, duly confirmed.

Mr. Yell gave notice that, on to-morrow, he would move to reconsider the vote whereby the nomination was consented to.

RECESS.

Whereupon, at twelve o'clock and fifty minutes, on motion of Mr. Jones, recess was taken till two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Moffitt, Spellacy, Welch, White, and Wilson.

Quorum present.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Mr. Dargie moved to commit the bill to a committee of one, consisting of Mr. Dray, with instructions to amend, as follows:

By inserting a new section, as follows:

"SEC. 2. The Controller of State is hereby authorized and directed to draw his warrants for said amounts, and the Treasurer of State is hereby authorized and directed to pay the same."

Also, by striking out the figure "2," in present section two, and inserting the figure "3."

The select committee reported as follows:

SENATE CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: Your select committee to whom was referred Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum, and making an appropriation for the same—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DRAY, Select Committee.

Report adopted.

Bill ordered reprinted, as amended, and on special file.

Senate Bill No. 447—An Act to amend section six hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the contents of a judgment roll, and providing that the same shall contain a copy of the notice of intention to move for a new trial, and any order made thereon.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—None.

Title read and approved.

Mr. White moved that Senate Bill No. 447 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Jones moved to take up Governor's messages with regard to appointments.

So ordered.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 12, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed J. W. Findlay a Director of the Home for Feeble-Minded Children, vice A. Block, resigned, and respectfully ask the consent of the Senate to the same.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of J. W. Findlay as Director of the Home for Feeble-Minded Children, vice A. Block, resigned?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

Whereupon, the President pro tem. announced the appointment of J. W. Findlay as Director of the Home for Feeble-Minded Children duly confirmed.

Also, the following message:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA. }
SACRAMENTO, March 12, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed R. S. Johnson a Director of the Insane Asylum at Stockton, vice Frederick Arnold, Senate refused to confirm.

R. W. WATERMAN, Governor.

Upon the question, "Will the Senate advise and consent to the appointment of R. S. Johnson a Director of the Insane Asylum at Stockton, vice Fred. Arnold, the Senate refused to confirm?" the roll was called, with the following result:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, White, and Wilson—32.

NOES—None.

Whereupon, the President pro tem. announced the appointment of R. S. Johnson as Director of the Insane Asylum at Stockton duly confirmed.

MADE SPECIAL ORDER.

The consideration of the Governor's message, relative to Senate Bill No. 584, was made the special order for immediately after the special order set for eight o'clock and thirty minutes to-night.

RESOLUTION.

By Mr. Wilson:

Resolved, That Assembly Bill No. 192 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—32.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 192—An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Read second time, and amended as follows by committee:

In line fifteen, amend section one by inserting after the word "plots," and before the word "situated," the words "for burial purposes."

Lost.

PASSAGE OF ASSEMBLY BILL No. 192.

Assembly Bill No. 192—An Act to amend section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—35.

NOES—Mr. Campbell—1.

Title read and approved.

Mr. Wilson moved that Assembly Bill No. 192 be immediately transmitted to the Assembly.

So ordered.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 287—An Act to provide for fitting up in the basement of the Capitol a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Also, Senate Bill No. 191—An Act to amend sections one thousand nine hundred and twelve, one thousand nine hundred and sixty-two, one thousand nine hundred and ninety, two thousand and six, two thousand and seven, two thousand and eighteen, two thousand and twenty-two, two thousand and sixty-five, two thousand and sixty-six, two thousand and seventy-eight of, and to add new sections, to be known as sections two thousand and twenty-six, two thousand and thirty-one, two thousand one hundred and one, and two thousand one hundred and five to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California.

Also, Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving pure California wine labels.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requests the return of Assembly Constitutional Amendment No. 10, for correction.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

So ordered.

SPECIAL ORDER.

Mr. Bowers called for the report of the Committee on City, City and County, and Town Governments on Assembly Bill No. 490, the same having been made the special order for this hour.

The committee made the following report:

SENATE CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 490, beg leave to report as follows: We find this bill to be identical with Senate Bill No. 484, which was referred to this committee several weeks ago, and was reported back with a recommendation that it do not pass, but a substitute therefor do pass. And the said substitute passed this Senate on the sixth instant without a dissenting vote, and was transmitted to the Assembly the same day, this bill on the same subject coming to the Senate afterwards. The purpose of this bill is to dismember the City of San Diego and change its boundaries as they now exist by a special Act of the Legislature, said city having been organized two years ago as a city of

the fourth class, as provided by the Constitution and the Act of Legislature concerning municipal corporations, passed in 1883.

The constitutionality of such bill is at least open to grave doubt, and it would be disastrous to inaugurate a policy by the Legislature of dismembering cities at pleasure, and not allowing the cities to have any voice in the matter. Such action as this bill contemplates would place the very existence of every city of this State at the absolute mercy of a bare majority of the Legislature, which might utterly disrupt any city in a day.

We consider this bill an unwise one in this respect, and recommend that it do not pass.

MOFFITT, Chairman.
BOWERS.
LANGFORD.
CRANDALL.
McCOMAS.
ROTH.

MOTIONS.

Mr. Bowers moved that further consideration of Assembly Bill No. 490 be indefinitely postponed.

Mr. Sprague moved as a substitute that the bill be passed, to retain its place upon the file.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Bowers moved to dispense with further proceedings under the call of the Senate.

So ordered.

CONSIDERATION OF ASSEMBLY BILL No. 490—(RESUMED).

On the motion of Mr. Sprague the roll was called, and the motion lost by the following vote:

AYES—Messrs. De Long, Greely, McDonald, McGowan, Mead, Meany, Murphy, Sprague, and Williams—9.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Moffitt, Preston, Roth, Spellacy, Welch, White, Wilson, and Yell—29.

On the motion of Mr. Bowers to indefinitely postpone the consideration of Assembly Bill No. 490, the roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Meany, Moffitt, Preston, Roth, Spellacy, and White—25.

NOES—Messrs. De Long, Flint, Greely, McDonald, McGowan, Mead, Murphy, Sprague, Welch, Williams, Wilson, and Yell—12.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 178—An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Jones, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, Williams, Wilson, and Yell—29.

NOES—Messrs. Caminetti, Conklin, Dray, Heacock, Hinshaw, Langford, McGowan, and White—8.

Title read and approved.

Mr. Campbell gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 178 passed the Senate.

Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery, and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State.

Mr. Dargie moved that the bill be referred to a committee of one, consisting of Mr. De Long, with instructions to amend, as follows:

By striking out of the title, in line four, the word "goods" and inserting the words "grain bags" before the word "for."

Also, by striking out of the title, in line seven, the word "goods" and inserting the words "grain bags" before the word "shall."

Also, by striking out of section one, line six, the word "goods" and inserting the words "grain bags" before the word "for."

MOTIONS.

Mr. Moffitt moved that further consideration be made the special order for to-morrow morning.

Mr. Caminetti moved, as an amendment, that the bill be made a special order for this evening, immediately after the consideration of the Governor's veto.

Mr. De Long moved that the further consideration of the bill be indefinitely postponed.

Mr. Goucher in the chair.

SPECIAL ORDER POSTPONED.

Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give surviving Directors power to settle the affairs of such corporations.

The same was postponed until to-morrow, at four o'clock P. M.

MOTION TO INDEFINITELY POSTPONE CARRIED.

The question being on the motion of Mr. De Long to indefinitely postpone consideration of Assembly Bill No. 14.

The ayes and noes were demanded by Messrs. White, Heacock, and Meany.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Heacock, Jones, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Spellacy, Williams, Wilson, and Yell—26.

NOES—Messrs. Banks, Bowers, Briceland, Dixon, Greely, Hinshaw, Langford, McGowan, Murphy, Roth, Sprague, Welch, and White—13.

NOTICE OF RECONSIDERATION.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 14 was indefinitely postponed.

ORDERED ON SPECIAL FILE.

Assembly Bills Nos. 612, 485, and 625 were ordered on special file.

WITHDRAWAL OF BILLS.

Mr. Williams withdrew Senate Bill No. 632 (No. 262 on file) and Senate Bill No. 354 (No. 167 on file).

Mr. Jones withdrew Senate Bill No. 146 (No. 294 on file), Senate Bill No. 479 (No. 256 on file), Senate Bill No. 346 (No. 193 on file), Senate Bill No. 607 (No. 162 on file), Senate Bill No. 493 (No. 143 on file), and Senate Bill No. 43 (No. 125 on file).

Mr. Pinder withdrew Senate Bill No. 345 (No. 239 on file), Senate Bill No. 488 (No. 238 on file), Senate Bill No. 459 (No. 237 on file), Senate Bill No. 343 (No. 196 on file), Senate Bill No. 529 (No. 195 on file), and Senate Bill No. 449 (No. 160 on file).

Mr. Flint withdrew Senate Bill No. 530 (No. 150 on file).

MADE SPECIAL ORDER.

Senate Bill No. 33—An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

Made the special order for this evening, at eight o'clock P. M.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

Resolved, That L. J. Gillin be allowed the sum of thirty-eight dollars and seventy cents for copy of testimony taken before the joint committee from Assembly and Senate, appointed to investigate certain charges in connection with the Branch State Normal School at Chico (three hundred and eighty-seven folios at ten cents per folio), and that the Controller be hereby authorized and directed to draw his warrant in favor of said L. J. Gillin for such amount, and the Treasurer be hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That W. S. O'Brien be and he is hereby allowed the sum of thirty (\$30) dollars for services and expenses in keeping in surveillance witnesses before Committee on State Prisons and Prison Buildings, as per order of said committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Geo. W. Faylor for the sum of thirty-six dollars and seventy-five cents, being for services rendered as per statement below:

M. Miller, carriage hire, call of Senate	\$2 00
D. Murphy, carriage hire, call of Senate	16 00
Gilson, carriage hire, call of Senate	4 00
Golden Eagle, carriage hire, call of Senate	7 00
C. H. Rave, lock and key	2 75
Smith & Muir, plumbing	5 00

Total

\$36 75

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

RECESS.

At five o'clock and fifteen minutes, on motion of Mr. Yell, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

MOTION.

Mr. Roth moved to take up Assembly message relating to Assembly Bill No. 452.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. SPEAKER: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate Amendments Nos. 1 and 2, and refused to concur in Senate Amendments Nos. 3 and 4 to Assembly Bill No. 452—An Act to provide for the survey of certain State lands, and appropriating money to defray the expenses thereof—and most respectfully ask your honorable body to recede from said amendments Nos. 3 and 4.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTIONS.

Mr. Roth moved that the Senate do not recede from the Senate amendments to Assembly Bill No. 452.

So ordered.

Mr. Roth moved that a committee of three be appointed to confer as to the amendments to Assembly Bill No. 452.

So ordered.

APPOINTMENT OF COMMITTEE.

The Chair appointed as such committee Messrs. Roth, Heacock, and Wilson.

CONSIDERATION OF SENATE BILL No. 33.

Senate Bill No. 33—An Act to declare when a vacancy exists in an elective or appointive office, Board, or Commission, of any county, city, city and county, township, or municipality, and to provide for filling the same.

SPECIAL ORDER POSTPONED.

Mr. Moffitt moved that the special order set for this hour, eight o'clock and thirty minutes P. M., be postponed until the pending matter be disposed of.

So ordered.

CALL OF THE SENATE.

Mr. Wilson moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell.

Proceedings under the call of the Senate were dispensed with.

MOTION.

Mr. Wilson moved that Senate Bill No. 33 be referred to a committee of one, consisting of Mr. Yell, to amend as follows:

Strike out of the title the words "city, city and county, or municipality," in line four of the title.

Add after the last word of section two the following: "*provided*, that nothing in this Act shall be construed to affect or refer to any Board, official, or Commission whose election or appointment or the manner of succession to whose office is not now provided for by law."

Strike out in section one, in line twelve thereof, the words "district, city, city and county."

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Heacock, McComas, McGowan, Preston, Sprague, and Wilson—19.

NOES—MESSRS. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Wilson moved to strike out the enacting clause.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Heacock, McComas, McGowan, Preston, Roth, and Sprague—19.

NOES—MESSRS. Boggs, Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, Wilson, and Yell—21.

MOTION TO RECONSIDER.

Mr. Wilson moved that, on to-morrow, he would move to reconsider the vote by which the Senate refused to strike out the enacting clause of Senate Bill No. 33.

Mr. Yell raised the point of order that the bill had already been reconsidered at one time.

The Chair reserved his decision on the point of order.

Senate Bill No. 33 passed temporarily.

RESOLUTION.

By Mr. Meany:

SACRAMENTO, March 12, 1889.

Senate Committee on Claims to Luke Kavanaugh, Dr. :

To eight days as stenographer, at \$10.....	\$80 00
To six hundred and sixty folios, at 20 cents.....	132 00
Total.....	\$212 00

Approved:

MEANY, Chairman.

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of two hundred and twelve dollars, for reporting and transcribing testimony taken before Committee on Claims, and the Controller is hereby directed to draw his warrant in favor of said Luke Kavanaugh for the said sum of two hundred and twelve dollars, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL ORDER.

Consideration of Governor's veto message, as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 7, 1889. }

To the Senate of the State of California:

I herewith respectfully return to your honorable body, without my approval, Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and to define their duties and powers.

My attention has been called to the fact that the bill did not pass the Assembly by a constitutional majority. By reference to the Journal of the Assembly, which the Constitution requires to be kept and published, and which the Courts hold may be examined for the purpose of ascertaining whether the laws have been constitutionally passed, I find that the bill received but forty votes. It is true that the roll call on the final passage of the bill, as shown on page seven of the Journal of March second, shows forty-one votes for the bill, but on page nine of the Assembly Journal of March fourth appears a protest, signed by Assemblyman Sims, in which he states, in substance, that his name was improperly recorded as voting for the bill; that he sought to avail himself of his right to cast his vote against the bill, but did not succeed in obtaining that undoubted constitutional right. I have been furnished with a certificate, signed by the Speaker and Clerk of the Assembly, to the effect that the protest of Mr. Sims states the fact.

It, therefore, follows that the bill did not receive but forty affirmative votes, which was not a constitutional majority.

It is not desirable that an Act of so much importance, so deeply affecting the interest of the people, should be placed upon the statute book when it appears from the records that it did not pass. My signature to the bill could add nothing to its validity. I herewith transmit to the Senate the certificate of Hon. Robert Howe, Speaker of the Assembly, and E. E. Leake, Clerk of the Assembly, together with the Journals of the Assembly, to which reference has been made.

R. W. WATERMAN, Governor.

Mr. McGowan moved that the Senate do proceed to reconsider Senate Bill No. 211—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

Motion carried.

Mr. McGowan moved that the said bill be again put upon its passage in accordance with section sixteen of article four of the Constitution.

Whereupon, said bill was again put upon its passage, the question being whether such bill shall become a law notwithstanding the Governor's objections.

CALL OF THE SENATE.

Mr. McGowan moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Senator Jones before the bar of the Senate.

On motion, he was excused.

Mr. Pinder moved that further proceedings under the call of the Senate be dispensed with.

So ordered.

PREVIOUS QUESTION.

The question being, "Shall the bill become a law notwithstanding the Governor's veto?"

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dixon, Dray, Goucher, Hamill, Hinshaw, Jones, Langford, McGowan, Mead, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—23.

NOES—Messrs. Boggs, Byrnes, Caminetti, Dargie, De Long, Flint, Fraser, Greely, Heacock, McComas, McDonald, Meany, Moffitt, Murphy, Preston, Wilson, and Yell—17.

EXPLANATION OF VOTES.

Mr. White explained his vote, as follows:

I vote "aye," because to vote otherwise would be to sanction the mistaken view that the certificate of a clerk or presiding officer, or the declaration of a party protesting against a record, may be sufficient to overturn such record. The approved record of the Assembly shows that the hypothesis upon which alone the Governor bases his veto has no existence in fact. That record cannot be impeached by the Supreme Court, the Governor, the Legislature itself. The certificates referred to in the message are of no more value than the certificate of any individual in the land. If such certificates could upset an Act, the time might come when the officer of some other Legislature, of dishonest impulse, might vend certificates warranted to upset records.

To vote "no" would be to establish a dangerous precedent. There is nothing in any respect to warrant any reflection, in the slightest degree, upon the motives of the Executive, which are unquestioned.

Mr. Moffitt voted "no," because he believed that the bill passed illegally, and because another bill, of which he was the author, being identical with Senate Bill No. 211, was on its passage, i. e., Senate Bill No. 661.

Mr. Murphy explained his vote upon the same grounds.

Whereupon, the President pro tem. announced that the bill had failed to become a law.

Mr. Bowers in the chair.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1889. }

To the Senate of the State of California:

I have the honor herewith to return to your honorable body Senate Bill No. 584—"An Act to regulate the powers and duties of the State Board of Prison Directors"—without my approval.

The idea sought to be advanced in the bill under consideration was long since carried out, under my suggestion, by the State Board of Prison Directors, and since the first of March the manufacturing of doors, sashes, and blinds has been suspended, and will not be resumed. The power to regulate all matters of the kind is inherent with the Board of Prison Directors itself—such power being granted them by the Constitution—and it was for that reason that I addressed myself to them to cooperate with me in the idea advanced. For the purpose, however, of giving a clear understanding of my position in the matter, I submit the following:

The bill now returned to you gives those interested in the manufactory referred to an additional lease of sixty days after the passage of the same, whereas the action by the Board of State Prison Directors, in accordance with my own wish, immediately closed the works, and the Board positively refused to give any further time. In addition to this, I present the accompanying views in connection with this subject:

Prior to the adoption of the present Constitution, the government and management of the State Prisons were subject to the will of the Legislature. Section one thousand five hundred and seventy-three of the Penal Code, providing that "the State Prison is under the charge, control, and superintendence of a Board of Directors, consisting of the Governor, Lieutenant-Governor, and Secretary of State." Other sections provided for the adoption of rules and regulations by the Board thus constituted, and the appointment of Warden, Clerk, and such other officers as might be necessary for the management and safe keeping of the prisoners.

Under this system the management of the State Prisons was subject to the mutations of party politics. The officers who constituted the Board were almost invariably of the same political faith, and were elected on party tickets, nominated by political conventions, without special reference to any peculiar qualifications they might possess for the discharge of the important duties, which they were, as *ex officio* members of the Board of Prison Directors, to perform. Their powers and duties were subject to legislative control, and at each session of the Legislature a well devised and wise and prudent plan of prison management might be completely changed as one class or the other of prison reformers might happen to have a majority of the Legislature.

Under this system a number of evils naturally and almost irresistibly grew up. There was no incentive to those who had the charge of the prisons to make an exhaustive study of the best and most approved plan of prison management, as their terms of office were dependent on the result of the succeeding State election. The prisons were involved in politics, and at the mercy of each Legislature.

It was to remedy these evils that the article in the present Constitution providing for the management of the State Prisons was adopted. The Constitution removed the management of these institutions in a great measure, if not entirely, from the domain of politics. Article ten of the Constitution, after providing for the appointment of a Board of five Directors by the Governor, with the advice and consent of the Senate, declares in section two that "the Board of Directors shall have charge and superintendence of the State Prisons, and shall possess such powers and perform such duties in respect to other penal and reformatory institutions of the State as the Legislature may prescribe."

It will be noticed that while the Constitution provides that the Board shall possess such powers and duties in respect to other penal and reformatory institutions as the Legislature may prescribe, yet, so far as the management of the prisons themselves is concerned, the language is absolute and unqualified that "the Board of Directors shall have the charge and superintendence of the State Prisons."

By all rules of constitutional construction there is, manifestly, a clear distinction between the power of the Legislature over the Board of Prison Directors as respects the State Prisons and over their power as respects other penal and reformatory institutions.

In the latter case it is competent for the Legislature to say what the Board shall do, and what they shall not do. And the Legislature has a right to adopt a policy and to alter it from time to time. In the former case the Constitution clothes the Board with the power of charge and superintendence, and if it had been intended that such charge and superintendence should be subject to the changes of the legislative will, it would have said so, as it did in the case of other penal institutions than the State Prisons. Every word and every clause in a Constitution is supposed to have a meaning, and the section just quoted admits of but one interpretation: that is, that as to the State Prisons, the Board of Directors are to have unlimited and unqualified power to manage them as they may deem best for the interests of the State and for the enforcement of prison discipline. On this point the Constitution considers that the judgment of five men, chosen for their qualifications and holding office for a long period, is better than the judgment of a majority of the Legislature, chosen without any regard to their qualifications to direct or advise as to the best management of prisons.

The power mentioned in this section of the Legislature to prescribe the duties of the Directors as to other penal and reformatory institutions, negatives the idea that any such power exists as regards the State Prisons. The Constitution also provides that the Board shall appoint the Warden and Clerk, with power to remove them for misconduct, incompetency, or neglect of duty, and that the Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of the Constitution. This language cannot be distorted into meaning that under the guise of defining and regulating the powers and duties of the Board, the Legislature can take away their powers and duties. If the Legislature has the power of saying that the Board shall not employ the convicts at one kind of labor, why not at two—why not at all kinds of labor? Under the old Constitution the Legislature had such power. The very object of the present article in the Constitution was to deprive the Legislature of this and kindred powers, and to place the whole matter fully and unconditionally under the control and direction of the Board of Directors. Nor is this the only place where the Constitution has deprived the Legislature of power that it formerly had the right to exercise. The creation of the Railroad Commission is another instance. It might as well be said that under the present Constitution

the Legislature has power to regulate freights and fares, as that it has power to infringe on the powers and jurisdiction of the Board of Prison Directors.

The governing idea of the Constitution is to provide a stable management for the State Prisons, and not leave them subject to every change of popular or party opinion. Thus, in the Constitutional Convention, in the debates on this article, Mr. Laine said: "We all know that our state institutions, in order to be well managed, must have stable management. Unless they are, there can be no good realized from them. These institutions are a necessity with us. They are not institutions established for the purposes of speculation, or for the benefit of parties, political or otherwise. They are evils necessary evils—and the question arises what is the best means of managing them so that the evil may be lessened? How shall they be managed, so that instead of being a great weight upon the incomes of the people, continually draining taxes from them, they may be rendered self sustaining?" And it strikes me that the course adopted here is a good one. I find it has been commenced by very talented men—men who have devoted long years of study to these matters. This plan did not originate with this committee. They have adopted it from others. There has been placed in the hands of most of the members the report of the California Prison Commission. This Commission is composed of some of our best men—men who have the best interest of the State at heart. The human race produces such men (and we find here the name of Governor Haight in our own State) who, after long study, have agreed upon this as being a wise and proper measure.

"Now, by this course, the Governor of the State will appoint two men. Each Governor of the State will appoint two, because they are to hold for ten years. It reaches beyond his power. It reaches beyond his day. * * * There is no such thing as politics in the management of the State Prisons. The Governor will not be apt to stop and inquire what the man's politics are, so long as he is a suitable man for the place.

"If we are driven to elections, of course it will be known that the Warden will be appointed by these Commissioners, and there will be a strong political fight made for the place. That will be the object: not whether he will be the best Warden that can be selected, but whether he has political power, and whether he will add strength to the ticket."

Mr. Van Dyke said: "It is very true, sir, that the system formulated here could be enacted by the Legislature without any constitutional direction. But the reason for putting it in the fundamental law is to make the system stable, so that one Legislature cannot overthrow what another Legislature has done. We have experienced the evil which has resulted from the management of these institutions by politicians. If it is placed in the Constitution there will be some stability about it."

The Constitution on the subject of convict labor provides that after a specified date the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the State. At the time of the adoption of the present Constitution, the labor of convicts was let out by contract. With the abolition of this kind of labor, there would in the absence of legislation, have been no means provided whereby they could be profitably employed.

The objects of the section referred to were two: (1) to abolish the system of contract labor; (2) to provide machinery, tools, and material for the employment of convicts for the benefit of the State, in contradistinction to the contract system, where the contractors derived the principal benefit. This is the scope of this section. It operates as a limitation on the power of the Prison Directors, and as a mandate on the Legislature to provide the necessary machinery for working the convicts. It was never intended to give the Legislature the power of prohibiting any class of labor. It is true that they might indirectly affect the result by their appropriations, but the object of the Constitution, as shown by the language of its framers, was to maintain a stable management, and so far as the question of a prison policy was concerned, the subject was left to the sole discretion of the Directors.

The article in the Constitution providing for the management of the State Prisons is self-executing, and is, it may be said, a complete statute, covering the whole subject-matter. There is nothing for the Legislature to do except to effectuate the powers of the Board conferred upon them by the Constitution. It is foreign to the question to inquire whether legislation of the kind under consideration is or is not wise and beneficial. The Constitution has created a tribunal for the decision of these questions, and any Act of the Legislature which attempts to limit or control the power of that tribunal is unconstitutional.

R. W. WATERMAN, Governor.

MADE SPECIAL ORDER.

Mr. Moffitt moved that the message be made the special order for tomorrow, at eight o'clock and thirty minutes P. M.

So ordered.

MOTIONS.

Mr. Heacock moved to take up Assembly messages.

Mr. Pinder moved to adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Britt, Dray, Fraser, Goucher, Hamill, Langford, McComas, Mead, Meany, Pinder, Roth, Sprague, Welch, and Williams—15.

NOES—Messrs. Boggs, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Greely, Heacock, Hinshaw, Jones, McDonald, McGowan, Moffitt, Murphy, Preston, Spellacy, Wilson, and Yell—23.

Mr. Moffitt moved to take up that part of Assembly messages which related to the General Appropriation Bill.

Mr. Goucher moved a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Campbell, Dray, Goucher, Heacock, Mead, Meany, Murphy, Pinder, Spellacy, Welch, and Williams—11.

NOES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Preston, Roth, Sprague, and Wilson—26.

Mr. Goucher moved that the Senate do now adjourn.

Mr. Caminetti moved to amend that the Senate take a recess for fifteen minutes.

Withdrawn.

ADJOURNMENT.

Thereupon, at eleven o'clock and ten minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,)
Wednesday, March 13, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Concurrent Resolution No. 21—Relative to the Desert Land Act of March 3, 1877.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 121—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Also, Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties, and fix their compensation, and making appropriation therefor.

Also, substitute for Assembly Bill No. 468—An Act to amend section four of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the election of officers in districts of less than fifty thousand acres.

Also, Senate Bill No. 650—An Act for the relief of Peter Connolly, his assigns, or legal representatives.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 618—An Act to amend section three hundred and eighty-six of the Political Code, relative to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.

Also, Assembly Bill No. 558—An Act to amend section three thousand eight hundred and four of the Political Code, relative to the collection of property taxes.

Also, Senate Bill No. 102—An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Also, Senate Bill No. 60—An Act to amend sections two, three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow, other than lands recognized as swamp lands," approved April 15, 1880.

Also, Assembly Bill No. 16—An Act to amend section three thousand nine hundred and twenty-four of the Political Code, relating to the boundary line of Placer County.

Also, Assembly Bill No. 659—An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor.

Also, Assembly Bill No. 690—An Act to appropriate money for the payment of salary of an additional clerk in the office of the Register of the State Land Office.

Also, Assembly Bill No. 575—An Act to provide for certain improvements and repairs at the San Quentin State Prison, and making an appropriation therefor.

Also, Substitute for Assembly Bill No. 288—An Act to appropriate money for the payment of the salary of a Recording Clerk in the office of the Secretary of State for the fortieth fiscal year.

Also, Assembly Bill No. 557—Making an appropriation for the salary of the Bookkeeper of the State Treasurer for the fortieth fiscal year.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, has refused passage to Senate Bill No. 21, by striking out the enacting clause.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 992—An Act to authorize the payment of claims against the State, which were incurred under an Act entitled "An Act to promote drainage," approved April 23, 1889, and to appropriate money for the payment of the same—which was declared a case of urgency, read first, second, and third times, passed, and title approved.

Also, concurred in Senate amendments to Assembly Bill No. 156—An Act to appropriate the sum of five thousand dollars for the relief of George W. Mayberry.

Also, concurred in Senate amendments to Assembly Bill No. 551—An Act to authorize the several counties of this State to create a bonded indebtedness for certain purposes.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendment to the title of Assembly Bill No. 185.

Also, Senate Bill No. 569—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year.

Also, concurred in the Senate amendment to section one hundred and eighty-four of Assembly Bill No. 22, etc., lines seventeen and eighteen.

Also, that the Assembly concurred in the Senate amendments to Assembly Bill No. 325.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.

Also, passed Assembly Concurrent Resolution No. 17—Relative to the adjournment sine die of the twenty-eighth session of the Legislature.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

REFERENCE OF BILLS.

Assembly Bills Nos. 660, 16, 575, 288, 557, 618, 558, 468, and 121 ordered on first-reading special file.

Senate Bills Nos. 102, 66, 662, 599, 650, and 625 to enrollment.

Assembly Bill No. 653 ordered to Committee on Finance.

Assembly Concurrent Resolution No. 17 made the special order for to-morrow, at eleven o'clock A. M.

Senate Bill No. 600 withdrawn, and Assembly Bill No. 659 substituted therefor.

Assembly Bill No. 659—An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor.

Read first time.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA. }
SACRAMENTO, March 12, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 588—An Act to amend "An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons," approved April 1, 1878.

R. W. WATERMAN, Governor.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 83—An Act to provide improvements for the Deaf, Dumb, and Blind Asylum.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Mr. Dargie moved that Assembly Bill No. 83 be immediately transmitted to the Assembly.

So ordered.

MOTION TO RECONSIDER.

Mr. Campbell moved to reconsider the vote by which Assembly Bill No. 178—An Act providing for the payment to D. Jordan for work and labor

performed upon and material furnished in the construction of the State Prison at Folsom—passed the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Caminetti, Campbell, Dray, Heacock, Hinshaw, Langford, McGowan, Moffitt, and White—9.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Goucher, Greely, Hamill, Jones, McComas, McDonald, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—29.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed: Senate Bill No. 33 and Assembly Bill No. 83.

HAMILL, Chairman.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

Mr. Britt moved to commit the bill to a committee of one, consisting of Mr. Murphy, with instructions to amend, as follows:

Amend by striking out of section one, line six, after the word "Governor," the words "of the State is," and inserting the following: "The Controller of State and the State Treasurer are."

Mr. Caminetti offered the following substitute:

Insert after the word "Governor," line six, page one, the words "State Treasurer and Controller."

Also, strike out the words, in line seven, page one, "three members," and insert "one member each of said Board."

Mr. Britt withdrew his amendment.

The question being upon the amendment offered by Mr. Caminetti.

Mr. Crandall moved to lay the whole subject-matter on the table.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Conklin, Crandall, Dixon, Goucher, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Murphy, Roth, Welch, White, and Williams—17.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Greely, Jones, Langford, McDonald, Moffitt, Spellacy, Sprague, Wilson, and Yell—20.

The question recurring upon the amendment offered by Mr. Caminetti, the same was lost by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Dixon, Hamill, Hinshaw, Langford, Mead, Murphy, Roth, Welch, White, and Yell—13.

NOES—Messrs. Banks, Boggs, Bowers, Byrnes, Campbell, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Jones, McComas, McDonald, McGowan, Moffitt, Sprague, Williams, and Wilson—22.

Mr. Murphy moved to commit the bill to a committee of one, to consist of Mr. Wilson, with instructions to amend, as follows:

Amend by striking out of section one, line six, the word "is," and inserting the following: "The Surveyor-General and State Controller are."

The roll was called, and the amendment lost by the following vote:

AYES—MESSRS. Briceland, Caminetti, Dixon, Hinshaw, Jones, Langford, Mead, Meany, Murphy, Roth, and White—11.

NOES—MESSRS. Banks, Boggs, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, McGowan, Moffitt, Pinder, Preston, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—28.

The question recurring upon Senate Bill No. 188—An Act to amend sections six hundred and fifty-four, six hundred and fifty-five, and six hundred and seventy-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as six hundred and eighty-four, six hundred and eighty-five, six hundred and eighty-six, six hundred and eighty-seven, six hundred and eighty-eight, six hundred and eighty-nine, and six hundred and ninety, relative to the State Board of Examiners, and fixing the salaries of the members of said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses.

The same was passed by the following vote:

AYES—MESSRS. Banks, Boggs, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Jones, Langford, McComas, McDonald, Meany, Moffitt, Murphy, Preston, Sprague, and Wilson—23.

NOES—MESSRS. Briceland, Britt, Conklin, Crandall, Dixon, Hamill, Hinshaw, McGowan, Mead, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—16.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Murphy gave notice that, on to-morrow, he would move to reconsider the vote by which Substitute for Senate Bill No. 188 passed the Senate.

MOTION.

Mr. Yell moved to refer Senate Bill No. 33 to a committee of one, to consist of Mr. Mead, with instructions to amend, as follows:

Add after line twenty-nine of the bill the following:

"14. When the person, Court, or Commission provided by law to make appointments and remove at will has for any cause ceased to exist."

Change subdivision fourteen so it will read fifteen.

Strike out the word and figure "Section 2," and insert the figures "16."

Add after word "county," in line two of section two, the words "city, city and county."

Add after the word "township," in line three of the section, the words "or municipality."

Add after the word "appointment," in line three of the section, the words "if in a county."

Add after the word "thereof," in line four of the section, the words "if in a city or county by the Mayor thereof, subject to approval by the Board of Supervisors."

Also, change the number of the lines of section two so it will follow in regular order, reading thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, and forty-three.

Strike out sections three and four.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Senate Bill No. 33—An Act to amend section nine hundred and ninety-six of the Political Code—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

MEAD, Select Committee.

Report adopted.

CALL OF THE SENATE.

Mr. Yell moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Heacock moved to dispense with further proceedings under the call of the Senate.

So ordered.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

The question recurring upon Senate Bill No. 33—An Act to amend section nine hundred and ninety-six of the Political Code, to declare when a vacancy exists in any elective or appointive office, Board, or Commission of any county, city, city and county, township, or municipality, and to provide for filling the same.

The same was refused passage, by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Dixon, Goucher, Hinshaw, Jones, Langford, McDonald, Mead, Moffitt, Murphy, Roth, Welch, White, Williams, and Yell—18.

NOES—Messrs. Banks, Bowers, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Heacock, McComas, McGowan, Meany, Pinder, Preston, Spellacy, Sprague, and Wilson—22.

Assembly Bill No. 291—An Act to create a State Board of Water Commissioners, and prescribing its duties and powers, and to reserve certain State lands from sale.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, De Long, Dixon, Goucher, Greely, Hamill, Hinshaw, Jones, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Welch, White, Wilson, and Yell—25.

NOES—Messrs. Banks, Conklin, Crandall, Dargie, Dray, Flint, Heacock, Langford, McComas, and McDonald—11.

Title read and approved.

RESOLUTIONS.

By Mr. Yell:

Resolved, That Miss Susie Scott, Postmistress of the Senate, be and she is hereby employed after the final adjournment of the Senate, for the purpose of completing the work involved upon her as Postmistress of the Senate, and that she be allowed the sum of seventy-five dollars (\$75) therefor, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for the said amount, in favor of Miss Susie Scott, and the Treasurer is directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. McGowan:

WHEREAS, The Senate having adopted the following:

Resolved, That the Secretary of the Senate be and he hereby is directed to compile a semi-weekly history of Senate Bills, Constitutional Amendments, and Concurrent and Joint Resolutions, to be issued on Monday and Thursday of each week; and that he be empowered to employ a competent person to perform said work, at a compensation to be hereafter fixed by the Senate.

Therefore, be it

Resolved, That the sum of four hundred (\$400) dollars be and is allowed Geo. W. Peckham, Secretary of the Senate, for the expenses incurred in complying with the foregoing resolution, and the Controller of State is hereby directed to draw his warrant for said amount, payable out of the fund for contingent expenses of the Senate, in favor of said Geo. W. Peckham, and the Treasurer is hereby directed to pay said warrant.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—31.

NOES—MESSRS. Caminetti, Campbell, Conklin, Crandall, Greely, and Hinshaw—6.

Title read and approved.

Mr. Goucher moved that Senate Bill No. 82 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 7—An Act to amend sections six hundred and twenty-five, six hundred and twenty-six, and six hundred and forty-one of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, White, Williams, and Yell—33.

NOES—None.

Title read and approved.

Mr. Bowers moved that Senate Bill No. 7 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 426—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Welch, and White—32.

NOES—None.

Title read and approved.

Mr. White moved that Senate Bill No. 426 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 60—An Act to amend section nine hundred and eight of the Penal Code, concerning orders made by the Superior Court for a special Grand Jury.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Sprague, Welch, White, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Mr. Welch moved that Assembly Bill No. 60 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 96—An Act entitled an Act to amend section seven hundred and fifty-three of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court, and to the Supreme Court Library Fund.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Sprague, Welch, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Mr. Byrnes moved that Senate Bill No. 96 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 274—An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Spellacy, Welch, Wilson, and Yell—32.

NOES—Mr. White—1.

Title read and approved.

Mr. Crandall moved that Senate Bill No. 274 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 297—An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Welch, White, Williams, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Mr. Williams moved that Assembly Bill No. 297 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 416—An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the

distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Goucher moved that Assembly Bill No. 416 be immediately transmitted to the Assembly.

So ordered.

MOTION.

Mr. Jones moved to reconsider the order to indefinitely postpone Assembly Bill No. 490.

So ordered.

Mr. Jones moved that the Senate proceed to consider Assembly Bill No. 490.

So ordered.

Mr. Jones offered the following amendment:

Amend by striking out of line nine the words "be the ship's channel of said bay," and insert instead thereof the words "include the waters of said bay to the line of low tide on the opposite shore from the City of San Diego, excepting, however, the arms of said bay known as Glorietta Bay and Spanish Bight and the bight opposite Ballast Point, at which place the line shall be drawn straight across their mouths at the low tide line."

Adopted.

Mr. Jones moved that Assembly Bill No. 490 be ordered printed and placed on special file.

So ordered.

RECESS.

The hour of twelve o'clock having arrived, the Senate took the usual recess.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento, and to appropriate money therefor.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

THIRD READING OF BILLS.

Senate Bill No. 336—An Act to add a new section to the Political Code, to be known as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Spellacy, White, Williams, and Wilson—25.

NOES—None.

Title read and approved.

Mr. Caminetti moved that Senate Bill No. 336 be immediately transmitted to the Assembly.

So ordered.

SUBSTITUTION OF BILL.

Mr. Britt withdrew Senate Bill No. 430, and substituted Assembly Bill No. 430 in lieu thereof.

Assembly Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento.

RESOLUTION.

By Mr. Britt:

Resolved, That Assembly Bill No. 430 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 430.

Assembly Bill No. 430—An Act to pay the claim of John Cravens, Janitor of the Supreme Court at Sacramento.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.

NOES—None.

Title read and approved.

Mr. Britt moved that Assembly Bill No. 430 be immediately transmitted to the Assembly.

So ordered.

SUBSTITUTION OF BILL.

Mr. Wilson withdrew Senate Bill No. 392, and substituted Senate Bill No. 583 therefor.

Mr. Wilson offered the following substitute for Senate Bill No. 583, which was adopted:

Substitute for Senate Bill No. 583—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, and three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.

Read second time, ordered engrossed and to third-reading special file.

SPECIAL FILE—THIRD READING OF BILLS.

Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections.

Read third time, and passage refused by the following vote:

AYES—MESSRS. Briceland, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Heacock, Langford, McComas, McGowan, Mead, Murphy, Pinder, Spellacy, and White—18.

NOES—MESSRS. Bowers, Britt, Crandall, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, McDonald, Meany, Moffitt, Roth, Sprague, Welch, and Williams—16.

NOTICE OF RECONSIDERATION.

Mr. Moffitt gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 453 was refused passage.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 197—An Act to authorize the establishment of county high schools, and to provide for their support.

Read third time, and passed by the following vote:

AYES—MESSRS. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—30.

NOES—MESSRS. Hinshaw and Langford—2.

Title read and approved.

Mr. Spellacy moved that Assembly Bill No. 197 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 498—An Act to amend an Act entitled "An Act for the protection of preëmption and homestead claimants," approved March 23, 1874.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Meany, Pinder, Preston, Roth, Spellacy, Welch, White, and Williams—27.

NOES—Messrs. De Long, Langford, McDonald, Moflitt, Murphy, Sprague, and Wilson—7.

Title read and approved.

NOTICE OF RECONSIDERATION.

Mr. Dray gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 498 passed the Senate.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 102—An Act to amend section three thousand seven hundred and forty-eight of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid.

Also, Senate Bill No. 66—An Act to amend sections three, five, six, seven, and nine of an Act entitled "An Act to provide for the protection of lands from overflow other than lands recognized as swamp land," approved April 15, 1880.

Also, Senate Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year.

Also, Senate Bill No. 602—An Act to authorize the payment of claims against the State which were incurred under "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

SPECIAL FILE—THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian, and authorize the exchange thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moflitt, Murphy, Preston, Roth, Spellacy, Welch, White, and Williams—27.

NOES—None.

Title read and approved.

Mr. McGowan moved that Assembly Bill No. 228 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 405—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin, for cemetery purposes.

Read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—28.

NOES—None.

Title read and approved.

Mr. Fraser moved that Assembly Bill No. 405 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 222—An Act to regulate and control the sale of intoxicating liquors.

Read third time, and passage refused by the following vote:

AYES—Messrs. Boggs, Bowers, Caminetti, Conklin, Crandall, Dargie, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, Moffitt, and Preston—16.

NOES—Messrs. Briceland, Britt, Byrnes, Flint, Fraser, Hamill, Langford, Mead, Meany, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—16.

Senate Bill No. 445—An Act to provide for the appointment of a matron for prisons and jails of cities and counties, defining their duties, and providing for their compensation.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Sprague, Welch, and Williams—26.

NOES—Messrs. Campbell, Conklin, Heacock, Hinshaw, Langford, Moffitt, Roth, Spellacy, White, and Yell—10.

Title read and approved.

Mr. Murphy gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 445 passed the Senate.

Senate Bill No. 494—An Act to regulate the practice of veterinary medicine and surgery in the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Jones, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—29.

NOES—Messrs. Campbell, Hinshaw, McGowan, Mead, Meany, and Yell—6.

Title read and approved.

Mr. Dixon moved that Senate Bill No. 494 be immediately transmitted to the Assembly.

So ordered.

MOTION TO RECONSIDER.

Mr. Yell moved that the Senate reconsider the vote by which the Senate confirmed W. H. Brown as Harbor Commissioner.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Goucher, McDonald, Mead, Welch, and Yell—7.

NOES—Messrs. Boggs, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, Williams, and Wilson—30.

SPECIAL FILE—SECOND READING OF BILLS.

Assembly Bill No. 46—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Read second time, ordered engrossed and to third-reading special file.

Senate Bill No. 119—An Act to amend the Political Code of the State of California, by adding thereto a new section, in relation to reassessments of property in cases where a former assessment is invalid.

Read second time, and amended, as follows:

Amend section two, by adding: "All the provisions of law in respect to assessments, equalization, and collection of taxes shall, where applicable, apply to reassessments made under the provisions of this Act."

Adopted.

In section three, before the word "taxes," insert the word "State."

Adopted.

Bill ordered printed and on third-reading special file.

MOTION.

Mr. Williams moved that the roll be called, and that each Senator, as his name is called, be entitled to place a bill upon urgency, and have the same read the requisite number of times, and placed upon its passage.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—36.

NOES—Messrs. Caminetti, Preston, and Yell—3.

Mr. Wilson moved that the roll be called, and to commence at the letter "Z."

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Campbell, Heacock, Langford, McComas, Mead, Moffitt, Murphy, Roth, Welch, White, Williams, Wilson, and Yell—14.

NOES—Messrs. Boggs, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, McDonald, Meany, and Preston—18.

RESOLUTION.

By Mr. Williams:

Resolved, That Senate Bill No. 478, Assembly Bill No. 63, Assembly Bill No. 102, Senate Bill No. 603, Assembly Bill No. 593, Senate Bill No. 429, Senate Bill No. 657, Assembly Bill No. 625, Assembly Bill No. 659, Assembly Bill No. 103, Senate Bill No. 155, Assembly Bill No. 110, Assembly Bill No. 171, Assembly Bill No. 154, Assembly Bill No. 16, Assembly Bill No. 559, Assembly Bill No. 286, Substitute for Assembly Bill No. 412, Assembly Bill No. 612, Assembly Bill No. 476, Assembly Bill No. 485, Senate Bill No. 589, Senate Bill No. 604, Assembly Bill No. 617, Senate Bill No. 347, Assembly Bill No. 203, Senate Bill No. 503, Senate Bill No. 415, Assembly Bill No. 565, Senate Bill No. 399, Assembly Bill No. 200, Assembly Bill No. 648, Assembly Bill No. 99, Assembly Bill No. 211, Senate Bill No. 658, Senate Bill No. 624, Senate Bill No. 367, Assembly Bill No. 604, Senate Bill No. 654, and Senate Bill No. 649, presents each thereof a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills, and each thereof, be read the first, second, and third times, upon one day, and that each thereof be placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, White, Williams, and Wilson—35.

NOES—Messrs. Welch and Yell—2.

SECOND READING OF BILL.

Senate Bill No. 478—An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five gallons.

Read second time.

Mr. Moffitt moved to strike out the enacting clause.

The roll was called, and the motion prevailed by the following vote:

AYES—MESSRS. Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, White, and Yell—24.

NOES—MESSRS. Banks, Britt, Caminetti, De Long, Goucher, Hamill, Jones, McDonald, Meany, Spellacy, Welch, and Wilson—12.

NOTICE OF RECONSIDERATION.

Mr. Murphy gave notice that, on to-morrow, he would move to reconsider the vote whereby the enacting clause was stricken out of Senate Bill No. 478.

SPECIAL ORDERS.

Senate Bill No. 628—An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give surviving Directors power to settle the affairs of such corporations.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Yell—35.

NOES—None.

Title read and approved.

Mr. Hamill moved that Senate Bill No. 628 be immediately transmitted to the Assembly.

So ordered.

CASES OF URGENCY.

Assembly Bill No. 103—An Act to provide for certain improvements and repairs at the Napa State Asylum, and making an appropriation therefor.

Having been read first time, was read second and third times, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—32.

NOES—None.

Title read and approved.

Mr. Boggs moved that Assembly Bill No. 103 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 102—An Act to provide for the construction of two infirmaries at the Napa State Asylum for the Insane, and making an appropriation therefor.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—MESSRS. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Yell—32.

NOES—None.

Title read and approved.

Assembly Bill No. 102 ordered immediately transmitted to the Assembly.

Senate Bill No. 603—An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claims of Thomas Day, of the City and County of San Francisco, for damages done to and injuries suffered by certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets."

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, and Williams—25.

NOES—Messrs. Caminetti, Campbell, Conklin, Heacock, Hinshaw, White, and Yell—7.

Title read and approved.

Mr. Britt moved that Senate Bill No. 603 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 593—An Act to establish a State Normal School in the City and County of San Francisco.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Williams—28.

NOES—Messrs. Hinshaw and Langford—2.

Mr. Caminetti moved to amend the title, as follows: After the word "Francisco" add the words "and appropriate money therefor."

Adopted.

Title read and approved.

Mr. Byrnes moved that Assembly Bill No. 593 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 429—An Act to amend an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

The bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, White, and Williams—27.

NOES—None.

Title read and approved.

Mr. Preston moved that Senate Bill No. 429 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 625—An Act to amend section one thousand one hundred and ninety-one of the Political Code, relating to election tickets and ballots.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Preston, Roth, Spellacy, White, and Williams—27.
 NOES—None.

Title read and approved.

Mr. Jones moved that Assembly Bill No. 625 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 659—An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School located in the City of San José, California, and to appropriate money therefor.

The bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, White, and Williams—23.
 NOES—None.

Title read and approved.

Mr. Dargie moved that Assembly Bill No. 659 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 155—An Act to amend section three hundred and sixty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the consolidation of corporations.

Substitute adopted, read second time, and ordered printed, engrossed, and to a third reading.

Senate Bill No. 657—An Act relating to the indebtedness of cities which, at the last Federal census, had a population of over eleven thousand and less than twelve thousand.

Ordered printed.

Assembly Bill No. 110—An Act to define, regulate, and govern the State Prisons of California.

The bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.
 NOES—None.

Title read and approved.

Mr. De Long moved that Assembly Bill No. 110 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 171—An Act to prevent the capture and destruction of blue cranes in this State.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, White, Williams, and Wilson—35.
 NOES—None.

Title read and approved.

Mr. Dixon moved that Assembly Bill No. 171 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 154—An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copy-righting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887.

Read second and third times, and passed by the following vote:

AYES—MRSRS. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Moffitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.

NOES—None.

Title read and approved.

Mr. Dray moved that Assembly Bill No. 154 be immediately transmitted to the Assembly.

So ordered.

RECESS.

At five o'clock and thirty-five minutes, on motion of Mr. Caminetti, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

MRSRS. Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell.

Quorum present.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 16—An Act to amend section three thousand nine hundred and twenty-four of the Political Code, relating to the boundary of Placer County.

Read first, second, and third times, and passed by the following vote:

AYES—MRSRS. Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Mr. Fraser moved that Assembly Bill No. 16 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 63—An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State, for the construction of waterworks, sewers, and all necessary public improvements, and to repeal the Act approved March 9, 1885, entitled "An Act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants,

to obtain waterworks;" also, to repeal an Act approved March 15, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State."

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Crandall, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

Mr. Crandall moved that Assembly Bill No. 63 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 559—An Act for the protection of the owners of ditches and flumes.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, and Williams—31.

NOES—None.

Title read and approved.

Mr. Meany moved that Assembly Bill No. 559 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 286—An Act to amend sections five, six, and eleven of an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Greely moved that Assembly Bill No. 286 be immediately transmitted to the Assembly.

So ordered.

Substitute for Assembly Bill No. 412—An Act prohibiting the sale, or offering for sale, by the State Board of Prison Directors, the Wardens of the prisons, or persons in authority, of any article or material made, manufactured, or quarried in any of the products of labor of said prisons, excepting jute grain bags and undressed granite.

Read first time.

Mr. Preston moved to strike out the enacting clause.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Briceland, Byrnes, Conklin, Crandall, Dray, Hinshaw, Jones, Langford, McComas, Meany, Pinder, Preston, and Yell—14.

NOES—Messrs. Bowers, Britt, Caminetti, Campbell, Dargie, De Long, Dixon, Fraser, Goucher, Greely, Hamill, Heacock, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Wilson—22.

Assembly Bill No. 412 read second time.

Mr. Pinder moved to amend by inserting in section one, lines five, seven, and nine, the words "and jute goods" after the word "bags," in each of the lines five, seven, and nine.

Adopted.

Mr. Meany moved to amend by striking out of section two, line four, the word "unmanufactured" and inserting in lieu thereof the words "dressed or undressed."

On the adoption of the amendment the roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, and White—19.

NOES—Messrs. Britt, Campbell, De Long, Dray, Goucher, Hamill, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, and Williams—13.

Mr. Crandall moved to amend the title as follows:

After the words "jute grain bags" insert the words "jute goods." Strike out the word "undressed," and insert in lieu thereof the words "dressed and undressed."

Adopted.

Bill, as amended, ordered printed and to a third reading.

Assembly Bill No. 612—An Act to provide for the appointment of Boards of Election Commissioners for the several counties of this State, and to regulate the registration of voters.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Jones, McDonald, Moffitt, Preston, Roth, Spellacy, Welch, White, Williams, and Wilson—23.

NOES—Messrs. Caminetti, Crandall, Hinshaw, and Langford—4.

Title read and approved.

Mr. Heacock moved that Assembly Bill No. 612 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 176—An Act to validate proceedings for the reorganization of municipal corporations taken since the passage of the Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Welch, White, Williams, Wilson, and Yell—34.

NOES—Mr. Caminetti—1.

Title read and approved.

Mr. Hinshaw moved that Assembly Bill No. 176 be immediately transmitted to the Assembly.

So ordered.

Mr. Murphy withdrew his notice to reconsider the vote whereby Senate Bill No. 445 passed the Senate.

Mr. Conklin stated that if he had understood the nature of Senate Bill No. 445 he would have voted in favor of the bill.

Mr. Murphy moved that Senate Bill No. 445 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, one thousand one hundred and ninety-one, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Bill having been read first time, was read second time.

Mr. Dray moved to amend by striking out of section nine, line four, the word "four" and inserting the word "six."

Mr. Bowers moved to amend section nine, line four of printed bill, by striking out "four" and inserting "five."

The roll was called, and the amendments adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Roth, Spellacy, Sprague, White, and Williams—22.

NOES—Messrs. Britt, Caminetti, Dray, Fraser, Goucher, Jones, McGowan, Meany, Moffitt, Murphy, Pinder, Preston, Welch, and Yell—14.

Mr. Dray moved to amend section ten, as follows:

Strike out all after the word "Board," in line three.

Lost.

Mr. Crandall offered the following amendments:

Amend section three, line nine, by striking out the word "two" and inserting the word "three."

Also, in section four, line eight, strike out the word "two" and insert the word "three."

The roll was called, and the amendments lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, Dixon, Flint, Hinshaw, Jones, McGowan, Mead, Moffitt, and Roth—16.

NOES—Messrs. Britt, De Long, Dray, Fraser, Goucher, Hamill, Heacock, McComas, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, and Williams—16.

Mr. Bowers moved to amend by adding three new sections, to be known as sections eleven, twelve, and thirteen, as follows:

SEC. 11. Section one thousand one hundred and ninety-one of this Code is hereby amended to read as follows:

Section 1191. No ticket must be used at any election, unless:

First—It is written or printed on plain white paper, substantially and in all respects like the paper commonly known as white book paper, whereof a ream of sheets measuring twenty-eight by forty-two inches shall weigh fifty pounds, or within two pounds of such weight.

Second—It is five inches in width, or within one quarter of an inch of such width. If not more than fifty offices are designated to be filled, it is twelve inches in length, or within one half an inch of such length. If more than fifty offices and not more than eighty offices are designated to be filled, it is eighteen inches in length, or within one half an inch of such length. If more than eighty offices are designated to be filled, it is twenty-four inches in length, or within one half an inch of such length.

Third—If printed, the names of the persons voted for, and the offices designated, are printed in black ink, and in long primer capitals, the names of the offices in small capitals, and of the persons in large capitals, and both without spaces, except between the different words or initials in each line, and between the number and initials.

Fourth—If printed, the same margin is left above the printed matter as below it.

Fifth—If printed, the lines are straight, and the matter double-leaded with six-to-pica leads. The word "For" comprises the top line, the margins both sides of it being equal in size. The line after the top one commences with the figure 1; then follows immediately, on the same line, the name of the first office designated by the Board of Supervisors in its

order, issued under section one thousand one hundred and thirty-one; and lastly, on the same line, the name of the person voted for. Each subsequent line commences with the figure next in numerical order, and such number is in like manner immediately followed by the name of the office designated, and the person voted for, so that the offices shall appear upon the ticket in the order designated by the Board of Supervisors, and be numbered in numerical order. Commencing with number one, the numbers are in a straight line from top to bottom, and are within one quarter of an inch of the left hand edge of the ticket, so that the blank space for substituted names shall be on the right hand side of the ticket. The ticket shall be substantially in the following form:

For—

1. STATE SENATOR, FRANK COWPER.
2. STATE SENATOR, PHILIP ROSS.
3. MEMBER OF ASSEMBLY, A. S. WARDEN.
4. MEMBER OF ASSEMBLY, WASHINGTON SWIFT.
5. MEMBER OF ASSEMBLY, CALEB T. HOLIDAY.

SEC. 12. Sections one thousand one hundred and eighty-eight, one thousand one hundred and eighty-nine, and one thousand one hundred and ninety of this Code are hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after its passage.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bowers, Conklin, Fraser, Hinshaw, Langford, Moffitt, Preston, White, and Wilson—9.

NOES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, and Williams—27.

Mr. Dray moved to amend section two, as follows:

After the word "State," in line eight, strike out the words "prior to each general election," and insert "when required by the Board of Supervisors."

Adopted.

Bill ordered reprinted and to a third reading.

Senate Bill No. 589—An Act to amend section eight hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to persons acting as attorneys in Justices' Courts.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—30.

NOES—Messrs. Dray, Hamill, and Mead—3.

Title read and approved.

Mr. Langford moved that Senate Bill No. 589 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 617—An Act to amend an Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, Williams, and Yell—32.

NOES—None.

Title read and approved.

Mr. Caminetti gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 617 passed the Senate.

Senate Bill No. 347—An Act providing for the cleaning of the stone used in the Capitol building, by the removal therefrom of all stains, rust, and other unsightly and injurious substances, and the preservation of said stone from future similar conditions by chemical applications that shall protect said stone from injury through the effect of moisture, and to appropriate money to pay the expenses thereof.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Preston, Roth, Sprague, Welch, White, and Williams—25.

NOES—Messrs. Caminetti, Crandall, Hinshaw, Langford, and Yell—5.

Title read and approved.

Mr. McDonald moved that Senate Bill No. 347 be immediately transmitted to the Assembly.

So ordered.

Mr. Fraser gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 612 passed the Senate.

Senate Bill No. 654—An Act to add three new sections to the Code of Civil Procedure, to be known as sections seven hundred and forty-eight, seven hundred and forty-nine, and seven hundred and fifty, relating to actions to quiet title to real property.

Bill having been read first time, was read second time, and amended, as follows:

After the title insert the following: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

Adopted.

Bill considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McGowan, Mead, Meany, Moffitt, Pinder, Preston, Sprague, Welch, White, Williams, and Yell—29.

NOES—None.

Title read and approved.

Mr. McGowan moved that Senate Bill No. 654 be immediately transmitted to the Assembly.

So ordered.

Mr. Caminetti moved that the Senate recall Assembly Bill No. 612, and request the Assembly to return the same.

So ordered.

Assembly Bill No. 203—An Act to amend section two thousand and three of the Political Code, in relation to organizing the National Guard of this State into six brigades, each commanded by a Brigadier-General.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellaey, Sprague, Welch, White, Williams, and Yell—30.

NOES—None.

Title read and approved.

Mr. Mead moved that Assembly Bill No. 203 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 503—An Act to appropriate money for the purchase of the oil painting by Thomas Hill, entitled "Driving the Last Spike."

Bill having been read first time, was read second time, and amended, as follows:

Strike out "twenty-five thousand dollars" and insert "fifteen thousand dollars."

Adopted.

Mr. Caminetti moved to indefinitely postpone the bill.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, and White—26.

NOES—Messrs. Byrnes, Goucher, Meany, Moffitt, and Yell—5.

Assembly Bill No. 604—An Act to appropriate money in aid of building and furnishing the Home for Soldiers' Widows and Orphans and Army Nurses, and for the support of indigent persons residing in the Home of the Women's Relief Corps Home Association.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.

NOES—None.

Title read and approved.

Mr. Moffitt moved that Assembly Bill No. 604 be immediately transferred to the Assembly.

So ordered.

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

MOTIONS.

Mr. Caminetti moved that the bill be indefinitely postponed.

Mr. Williams moved the previous question.

The question being, "Shall the main question be put?"

The roll was called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Caminetti, Crandall, Dray, Fraser, Hinshaw, Langford, McComas, McGowan, Roth, and Sprague—10.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Dargie, De Long, Dixon, Goucher, Hamill, McDonald, Mead, Murphy, Pinder, Spellacy, Welch, White, and Williams—20.

Mr. Caminetti moved to reconsider the vote by which Assembly Bill No. 14 passed the Senate.

Mr. Caminetti moved that the motion be postponed until to-morrow.

Mr. Pinder moved to reconsider the vote by which Assembly Bill No. 227 passed the Senate.

The consideration of the motion was postponed.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Dray, the Senate adjourned, to meet on Thursday, March fourteenth, at twelve o'clock and five minutes A. M.

IN SENATE.

SENATE CHAMBER,
Thursday, March 14, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof.

Also, Assembly Bill No. 379—An Act to authorize the Board of Fish Commissioners to dispose of the steam launch Governor Stoneman, and to replace it with two smaller boats, to be used as patrol boats.

Also, Assembly Bill No. 655—An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 25, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bill No. 51 to enrollment.

Assembly Bill No. 379 on file.

Assembly Bill No. 655 on file.

RESOLUTION.

By Mr. Dray:

Resolved, That Assembly Bills Nos. 565, 200, 648, 99, 655, 211, and 658, and Senate Bills Nos. 415, 399, 624, 367, 657, 604, and each thereof presents cases of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that said bills, and each thereof, shall be read on three several days in each House is hereby dispensed with, and it is ordered that each of said bills be read the first, second, and third times, upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, and Williams—83.

NOES—None.

RECESS.

At twelve o'clock and twenty minutes A. M., on motion of Mr. Goucher, the Senate took a recess to ten o'clock and thirty minutes A. M.

REASSEMBLED.

At ten o'clock and thirty minutes A. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORT OF STANDING COMMITTEE.

ON COMMISSIONS.

SENATE CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: Your Committee on Commissions, to whom leave was granted to visit the State Horticultural, Viticultural, and other Commissions in San Francisco, report that on February twenty-fourth the following members of said committee, in pursuance thereof, visited said Commissions, viz.: M. W. Dixon, Thos. Fraser, and A. Caminetti.

Mr. Dixon has received mileage from another committee for said trip.

Said committee, therefore, reports that Messrs. Fraser and Caminetti are entitled to sixteen dollars and eighty cents, each, for one hundred and sixty-eight miles traveled.

Resolved, That the Controller is hereby directed to draw his warrant in favor of Senators Fraser and Caminetti, payable out of the Contingent Fund of the Senate, for the sum of (\$16.80) sixteen dollars and eighty cents, each, and the Treasurer is hereby directed to pay the same.

DIXON, Chairman.

SPECIAL FILE—URGENCY.

Senate Bill No. 657—An Act relating to the indebtedness of cities which, at the last Federal census, had a population of over eleven thousand and less than twelve thousand.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, Dixon, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Spellacy, Sprague, White, Williams, Wilson, and Yell—27.

NOES—None.

Title read and approved.

Mr. White moved that Senate Bill No. 657 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways.

Read first and second times, and ordered reprinted.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 17—Relative to adjournment of the twenty-eighth session of the Legislature.

Postponed until two o'clock P. M.

SPECIAL FILE—URGENCY—(RESUMED).

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Bill having been read first time, was read second time.

Mr. Sprague moved to amend, as follows:

Strike out the word "eighty," page one, line one, and insert in lieu thereof "fifty."

Lost.

Mr. Bowers moved to amend by adding to section one of the bill the following:

Provided, that the system of medicine known as Homeopathy shall be taught in this college, as well as the system known as Allopathy; and equal facilities shall be given each of the two said schools of medicine.

Mr. Yell moved to amend by adding to section one: "and to be known as the Toland Medical Department of the State University."

Adopted.

Mr. Boggs moved the previous question.

So ordered.

On the amendment of Mr. Bowers the roll was called, and the amendment carried by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, McComas, Roth, Sprague, Williams, Wilson, and Yell—20.

NOES—Messrs. Briceland, Britt, Flint, Goucher, Hamill, Jones, Langford, McDonald, Meany, Murphy, Spellacy, and Welch—12.

By Mr. Sprague:

Amend by inserting, at end of section one, the following: "*provided*, that the Eclectic school of medicine shall be represented in the faculty of said school equally with the other schools."

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Caminetti, Crandall, Dray, Flint, Fraser, Greely, Hinshaw, Meany, Roth, Sprague, and Yell—11.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Dargie, De Long, Dixon, Goucher, Hamill, Heacock, Jones, Langford, McComas, McDonald, Mead, Murphy, Pinder, Welch, Williams, and Wilson—21.

Mr. Yell in the chair.

On the question, "Shall Assembly Bill No. 565 be ordered printed and to a third reading?" the roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Hamill, Jones, Murphy, Spellacy, Welch, Williams, and Wilson—16.

NOES—Messrs. Caminetti, Conklin, Crandall, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Roth, Sprague, and Yell—18.

Mr. Yell gave notice that, on to-morrow, he would move to reconsider the vote by which Assembly Bill No. 565 was refused third reading.

Senate Bill No. 415—An Act to pay the claim of D. Albergi.

Bill read second time, and amended as follows:

Strike out the words "State Treasury," and insert in lieu thereof "out of the State Harbor Improvement Fund."

Adopted.

Also, amend section two in the same particulars.

Adopted.

Add to title, "and to appropriate money therefor."

Adopted.

Bill ordered reprinted and engrossed and to a third reading.

Senate Bill No. 399—An Act to enable women to vote at elections for school officers and in matters pertaining solely to schools, and to qualify them to hold all educational offices.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Murphy, Sprague, White, Williams, Wilson, and Yell—24.

NOES—Messrs. Britt, Flint, Greely, Hamill, McDonald, Roth, and Spellacy—7.

Title read and approved.

Mr. Williams gave notice that, on to-morrow, he would move to reconsider the vote whereby Senate Bill No. 399 passed the Senate.

RECESS.

The hour of twelve o'clock having arrived, the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

The Senate met pursuant to recess.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators responded:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

SPECIAL FILE—URGENCY—(RESUMED).

Assembly Bill No. 200—An Act to increase the number of clerks for the limited period of six (6) months, commencing during the month of January of each year, in the office of the Treasurer of the State, and for the appointment of such additional clerk.

Bill having been read first time, was read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Roth, Sprague, White, Williams, and Yell—28.

NOES—None.

Title read and approved.

Mr. Langford moved that Assembly Bill No. 200 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 648—An Act to provide for the appointment of Health Inspectors in each municipality of this State having fifty thousand inhabitants and over that number, providing how such Inspectors shall be appointed and designated as officers of such municipality, and prescribing the duties and fixing the compensation of such Inspectors.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, White, Williams, Wilson, and Yell—33.

NOES—None.

Title read and approved.

Mr. Murphy moved that Assembly Bill No. 648 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 99—An Act to authorize and empower the Board of Trustees of the Napa State Asylum for the Insane to sell and convey a portion of real property situate in Napa County, in the State of California, and belonging to said State, to Napa County, for the purpose of a public highway, and to sell and convey a certain other portion of said tract to an individual or individuals.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Mr. White moved that Assembly Bill No. 99 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 211—An Act entitled "An Act to amend the Political Code of the State of California, by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto."

Bill having been read first time, was read second time, and amended, as follows:

Amend in section one, line one, by striking out the word "two" and inserting the word "one."

Adopted.

Amend by striking out all of section two thousand nine hundred and eighty-five.

Adopted.

Amend title so as to read as follows:

"An Act entitled an Act to amend the Political Code of California by adding section two thousand nine hundred and eighty-four, providing for a State Sanitary Inspector, and for his salary and traveling expenses."

Adopted.

Bill ordered reprinted and to a third reading.

Senate Bill No. 658—An Act to provide for the construction and work upon bridges, streets, lanes, alleys, courts, places, sidewalks, and tunnels, and for the construction of sewers, and for the condemnation of property

for school purposes within municipalities which, at the last Federal census, had a population of over eleven thousand and less than twelve thousand.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Mr. McComas moved that Senate Bill No. 658 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—35.

NOES—None.

Title read and approved.

Mr. Yell moved that Senate Bill No. 624 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 367—An Act entitled "An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, relative to the price to be paid by purchasers of the school lands of the State."

Bill having been read first time, was read second time, and withdrawn by the author.

Assembly Bill No. 655—An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Bill read first and second times, and amended, as follows, by Mr. Heacock:

In line six, printed bill, strike out "fifteen" and insert "five."

Adopted.

Also, on page two, line eleven, strike out "one year" and insert "six months."

Adopted.

Bill ordered printed and to a third reading.

RESOLUTION.

By Mr. Wilson:

Resolved, That Senate Bill No. 279 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be this day read the second and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—None.

PASSAGE OF SENATE BILL No. 279.

Senate Bill No. 279—An Act to amend chapter eleven, title eleven, part three, of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections, relating to testamentary trusts and trustees.

Read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.

NOES—None.

Title read and approved.

Mr. Wilson moved that Senate Bill No. 279 be immediately transmitted to the Assembly.

So ordered.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 561—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MOFFITT, Chairman.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That the Controller is hereby directed to draw his warrant in favor of C. J. McCarthy for the sum of forty-three dollars and thirty cents, for services rendered subpoenaing witnesses in the matter of investigation of State Prison affairs, as per statement attached:

SACRAMENTO, March 8, 1889.

Senate of State of California to C. J. McCarthy, Dr.:

March 2, 1889—To services rendered subpoenaing Thos. McGann, in matter of State Prison investigation, mileage from San Quentin, ninety-two miles.....	\$18 40
March 4, 1889—To services rendered subpoenaing J. H. Wall, from same place, ninety-two miles	18 40
To expenses, railroad fare Sacramento to San Quentin and return.....	6 50
Total.....	\$43 30
Approved:	

GOUCHER, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment striking out the line, "To expenses, railroad fare Sacramento to San Quentin and return."

Adopted.

Also:

Resolved, That J. L. Holland, stenographer of the Senate Committee on State Prisons, be and he is hereby allowed the sum of six hundred and fifteen dollars and forty cents, for thirteen days' services, at the rate of ten dollars per day, in reporting testimony taken before said committee in the investigation into the affairs and management of the State Prisons of California, and for transcribing, by order of the committee, two thousand four hundred and twenty-seven folios of testimony, at the rate of twenty cents per folio. Said sum to be payable from the Contingent Fund of the Senate. And the Controller is hereby

directed to draw his warrant in favor of J. L. Holland for the sum of six hundred and fifteen dollars and forty cents (\$615 40), payable from the Contingent Fund of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That the Controller be and he is hereby authorized to draw his warrant upon the State Treasurer in favor of J. H. Wall for the sum of twenty-seven dollars and twenty cents, due him for mileage and services as a witness before the Senate Committee on State Prisons and Prison Buildings, as per statement attached:

SACRAMENTO, March 9, 1889.

State of California to J. H. Wall, Dr.:

March 4, 1889—To mileage as a witness before the Senate Committee on State Prisons and Prison Buildings, from San Quentin to Sacramento and return.....	\$19 20
March 9, 1889—To per diem as such witness for four days, at \$2 per day.....	8 00
Total.....	\$27 20

Approved:

GOUCHER, Chairman Committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

State of California to E. A. Aull, Dr.:

Fare to San Francisco and back, to get Codes for the Senate.....	\$5 00
Two days' hotel bill.....	7 00
Total.....	\$12 00

Sacramento, January 17, 1889.

Resolved, That the foregoing bill be paid out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrant for the amount named.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That the Controller is hereby directed to draw his warrant in favor of George W. Faylor, Sergeant-at-Arms, for the sum of one thousand and fifty dollars and eighty cents, being due the above named parties, as per statements herewith appended.

SACRAMENTO, March 8, 1889.

Senate of State of California to George W. Faylor, Sergeant-at-Arms, Dr.:

To services rendered in procuring witnesses in the case of the investigation in the matter of State Prison investigation, mileage and expenses, procuring the following named persons: John Siebe, Thomas Chandler, D. J. McCarthy, W. J. Ryan, Thomas Ryan, H. L. Luttrell, and John Kerrigan.

Mileage	\$16 80
Railroad fare and buggy hire.....	11 50
	—\$28 30
Amount due Chairman and Clerk of Prison Committee for telegraphing to witnesses.....	6 50

Total.....	\$34 80
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Approved:

GOUCHER, Chairman.

SENATE CHAMBER, SACRAMENTO, March 11, 1889.

MR. PRESIDENT: The Committee on State Prisons and Prison Buildings respectfully submit the following expense bill to the Senate for mileage and per diem of the following persons, for attendance before said committee on a certain investigation of affairs concerning the management of State Prisons:

J. J. Scrivner—eighty-four miles.....	\$16 80
Ten days.....	20 00
Daniel O'Connell—eighty-four miles.....	16 80
Five days.....	10 00
Mike Smith—eighty-four miles.....	16 80
Two days.....	4 00
J. W. McKenzie—eighty-four miles.....	16 80
Two days.....	4 00
Edward Kelly—eighty-four miles.....	16 80
Two days.....	4 00
M. Lichtenberg—eighty-four miles.....	16 80
Eight days.....	16 00
Charles Sonntag—eighty-four miles.....	16 80
Eight days.....	16 00
H. L. Luttrell—eighty-four miles.....	16 80
Four days.....	8 00
Thos. Chandler—eighty-four miles.....	16 80
Three days.....	6 00
W. J. Ryan—eighty-four miles.....	16 80
Four days.....	8 00
Thos. Ryan—eighty-four miles.....	16 80
Four days.....	8 00
John Siebe—eighty-four miles.....	16 80
Four days.....	8 00
D. J. McCarthy—eighty-four miles.....	16 80
Three days.....	6 00
J. Keenan—eighty-four miles.....	16 80
Four days.....	8 00
John Kerrigan—eighty-four miles.....	16 80
Five days.....	10 00
Robt. Devlin—one mile.....	20
One day.....	2 00
H. Mahler—one mile.....	20
One day.....	2 00
M. Dangerfield—one mile.....	20
One day.....	2 00
J. M. Miner—one mile.....	20
One day.....	2 00
Joseph Craig—twenty miles.....	4 00
Two days.....	4 00
E. J. DePue—ninety-one miles.....	18 20
Five days.....	10 00
J. P. Ames—ninety-one miles.....	18 20
Two days.....	4 00
John McComb—ninety-six miles.....	19 20
Twelve days.....	24 00
John McComb, Jr.—ninety-six miles.....	19 20
Twelve days.....	24 00
J. McCrea—ninety-six miles.....	19 20
Two days.....	4 00
E. A. Boell—ninety-six miles.....	19 20
Twelve days.....	24 00
Dr. Durant—ninety-six miles.....	19 20
Two days.....	4 00
George W. Thomas—ninety-six miles.....	19 20
Twelve days.....	24 00
H. C. Phillips—eighty-four miles.....	16 80
Twelve days.....	24 00
D. Wooley—ninety-six miles.....	19 20
Five days.....	10 00
J. K. Luttrell—one hundred and forty-one miles.....	28 20
Twelve days.....	24 00
J. W. Anderson—forty miles.....	8 00
Twelve days.....	24 00
J. T. Wells—forty miles.....	8 00
Two days.....	4 00
Geo. Marion—twenty-three miles.....	4 60
Two days.....	4 00
F. Myers—twenty-three miles.....	4 60
Nine days.....	18 00
A. Cassidy—twenty-three miles.....	4 60
Four days.....	8 00
M. Paul—twenty-three miles.....	4 60
Four days.....	8 00

F. Biernes—twenty-three miles.....	\$4 60
Four days.....	8 00
J. H. Hendricks—twenty-three miles.....	4 60
Twelve days.....	24 00
S. W. Backus—three hundred and sixty-nine miles.....	73 80
Two days.....	4 00

Total\$1,016 00

Approved: GOUCHER, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

MURPHY, Chairman.

Adopted.

WITHDRAWAL OF NOTICE.

Mr. Dray withdrew his notice to reconsider the vote whereby Assembly Bill No. 498 passed the Senate.

RESOLUTION.

SAN FRANCISCO, March 12, 1889.

State of California to Malloye and Broder, Dr.:

To two volumes Journals of Senate, at \$20 per volume..... \$40 00

Resolved, That the Controller of State be instructed to draw his warrant for the sum of forty dollars in favor Malloye & Broder for two Senate Journals, as per Senate resolution herewith; also, in favor of Jesse A. Galland, Journal Clerk, in the additional sum of sixteen dollars and eighty cents, mileage, in procuring same, and the State Treasurer is directed to pay the same.

Resolved, That the Senate Journal Clerk be instructed to purchase two Journals, of five hundred pages each, for the use of the Senate, same to be paid for out of the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children

Also, Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children.

Also, Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Also, Senate Bill No. 625—An Act to provide for the appointment of a State Veterinary Surgeon and assistants, to prescribe their duties, and fix their compensation, and making appropriation therefor.

Also, Senate Bill No. 650—An Act for the relief of Peter Connolly, his assigns or legal representatives.

Also, Senate Bill No. 51—An Act to amend section two thousand one hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for the other State officers, and appropriating money for the payment thereof.

Also, Senate Concurrent Resolution No. 21—Relative to the Desert Land Act of March 3, 1877.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bills have been correctly engrossed:

Senate Bill No. 119, Substitutes for Senate Bills Nos. 155 and 583, and amendments to Assembly Bills Nos. 412 and 485.

HAMILL, Chairman.

RESOLUTION.

By Mr. Bowers:

Resolved, That Assembly Bill No. 490 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Mollitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—35.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 490.

Assembly Bill No. 490—An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876.

Read second and third times, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Mollitt, Murphy, Pinder, Preston, Spellacy, Sprague, Welch, White, and Williams—31.

NOES—Mr. Crandall—1.

Title read and approved.

Mr. Bowers moved that Assembly Bill No. 490 be immediately transmitted to the Assembly.

So ordered.

ORDER RESCINDED.

Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, one thousand one hundred and ninety-one, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

The order by which Assembly Bill No. 485 was ordered to a third reading was rescinded.

Mr. Dray moved to amend, by striking out "ten" and inserting "six."

The roll was called, and the amendment lost by the following vote:

AYES—MESSRS. Crandall, De Long, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McGowan, Mead, Preston, and Yell—13.

NOES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, Dixon, Greely, Hamill, Jones, McComas, McDonald, Murphy, Pinder, Spellacy, Welch, and White—20.

Amend section two, line twelve, by striking out the word "each" and inserting the word "a."

Adopted.

Amend section three, line five, by striking out the words "after each" and inserting the words "before a."

Adopted.

Mr. Heacock moved to strike out the words "not to exceed ninety days," in line six, section three.

Adopted.

Mr. Caminetti moved to amend section five by striking out all after the word "in," in line thirteen, page three, and insert "within one hundred feet of."

The ayes and noes were demanded by Messrs. Conklin, Fraser, and Caminetti.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bowers, Caminetti, Conklin, Dargie, Greely, Hinshaw, Langford, McComas, McGowan, Preston, Roth, Welch, and Yell—13.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Crandall, Dixon, Dray, Fraser, Goucher, Hamill, Heacock, Jones, McDonald, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, White, Williams, and Wilson—23.

Bill ordered reprinted and to a third reading.

RESOLUTION.

By Mr. Meany:

Resolved, That Assembly Bill No. 561 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, White, Williams, and Yell—32.

NOES—None.

Assembly Bill No. 561—An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane at Agnews for the thirty-eighth fiscal year, with legal interest thereon.

Bill read first and second times, and amended, as follows, by Mr. Meany:

Amend section one, by striking out in lines three and four the words "the deficiency in the appropriation for the support," and insert the words "certain claims incurred by the Board of Trustees." Also, in line five, strike out the word "for" and insert the word "during."

Adopted.

Amend the title, as follows: In lines one and two strike out the words "the deficiency in the appropriation for the support," and insert the words "certain claims incurred by the Board of Trustees." Also, in the third line, strike out the word "for" and insert the word "during."

Adopted.

Bill ordered printed and to a third reading.

Senate Bill No. 415—An Act to pay the claim of D. Albergi.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Crandall, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—31.

NOES—None.

Title read and approved.

Mr. Pinder moved that Senate Bill No. 415 be immediately transmitted to the Assembly.
So ordered.

PERMISSION TO INTRODUCE A BILL.

Mr. Goucher moved for permission to introduce a bill.
The roll was called, and permission granted by the following vote:

AYES—MESSRS. Banks, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—35.
NOES—None.

INTRODUCTION OF BILL.

By Mr. Goucher: Senate Bill No. 663—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

Read first time.

PASSAGE OF SENATE BILL No. 604.

Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways.

Read first and second times, considered engrossed, read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Roth, Spellacy, Sprague, Welch, Williams, and Yell—30.
NOES—None.

Title read and approved.

Mr. Jones moved that Senate Bill No. 604 be immediately transmitted to the Assembly.
So ordered.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

Also, Substitute for Senate Bill No. 135—An Act authorizing and empowering the Boards of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

REPORT OF THE SPECIAL JOINT COMMITTEE.

Appointed under Assembly Concurrent Resolution No. 5, adopted January 25, 1889, relative to the unpaid claims of the State of California against the United States:

SENATE AND ASSEMBLY CHAMBERS, SACRAMENTO, March 5, 1889.

President pro tempore of the Senate and Speaker of the Assembly:

The special joint committee appointed under Assembly Concurrent Resolution No. 5, adopted January 25, 1889, in these words:

Assembly Concurrent Resolution No. 5.

"In view of the importance and amount of the unpaid claims of this State against the United States, and in order that the Legislature may have full information in regard thereto, and as to whether the good faith of this State has been maintained with all persons employed to collect any claims of this State against the United States; therefore, be it

"Resolved by the Assembly, the Senate concurring, That all matters which in anywise relate to the unpaid claims of this State against the United States, and to the efforts to secure a recognition and collection thereof from the United States made by this State or by any of its officers, and all matters involving the good faith of this State toward any persons employed to collect any claims of this State against the United States, be investigated by a special joint committee of seven—three from the Senate, to be selected by the President pro tem., and four from the Assembly, to be selected by the Speaker—which joint committee is now hereby appointed for the purpose aforesaid. Said committee, at the earliest date practicable, shall report all the facts and its conclusions, and may submit at any time its recommendations thereon by bill or otherwise."

Having had under consideration the matters recited in said resolution, now respectfully submit the following

Report.

First—Your committee addressed to each of the State Executive officers a circular letter, to which replies were made by them, and which letter and replies are set forth in the proceedings of this committee printed as Part No. 4, entitled "Correspondence between the Executive officers of this State, etc., with your committee, etc."

Second—A large mass of information, too voluminous to be now printed with this report, has been laid before the members of your committee, and from the evidence so presented, and from other matters, due cognizance of which has been taken, your committee find the following facts, to wit:

First—That the Legislature in Senate Concurrent Resolution No. 36, adopted March 1, 1872 (page nine hundred and fifty-eight, Statutes 1871-72), authorized the Governor of California to employ agents to collect the principal of the unpaid Rebellion war claims of this State against the United States. These agents were to collect said claims at their own expense, without any cost or expense to this State. The compensation for their services was to be a commission of ten per cent of said claims, to be paid out of such collection, contingent upon their success.

Second—That on March 15, 1872, the Governor of California, Hon. Newton Booth, employed Mr. James E. Hale and Mr. Thomas M. Nosler as such agents to collect said claims.

Third—That about nine years having elapsed subsequent to the date of said employment, and said Rebellion war claims not having been then collected, the Legislature, in Senate Concurrent Resolution No. 12, adopted February 26, 1881 (page one hundred, Statutes 1881), recited that said ten per cent commission was a totally inadequate compensation, etc., and authorized and directed that said ten per cent commission be increased to a twenty-five per cent commission of said claims, to be paid to said agents out of said collections, without any cost to this State.

Fourth—That on March 1, 1881, the Governor of California, Hon. George C. Perkins, fixed said compensation of said agents at said twenty-five per cent of said claims, to be paid to them out of the collections thereof whensoever made.

Fifth—That the principal of said Rebellion war claims aggregates about two million nine hundred and thirty-eight thousand six hundred and twenty-three dollars and seventy-two cents, more or less.

Sixth—That a bill, to wit: Senate Bill No. 3,420, Fiftieth Congress, first session, introduced by Senator Stewart, passed the Senate, and was favorably recommended in the House, authorizing the Secretary of War to fully examine and report to Congress all said claims. But this bill failed to become a law when the Fiftieth Congress adjourned sine die, so far as your committee is now informed. But in anticipation of such a result, Senator Stewart secured the passage, on February 27, 1889, of a Senate resolution to accomplish this same examination, and report to Congress.

Seventh—That on November 1, 1878, the Surveyor-General, Hon. William Minis, employed John Mullan to collect the unpaid claim of this State against the United States for the five per cent of the net proceeds of the cash sales of the public lands made by the United States in this State. The compensation for his services was to be thereafter fixed by the Legislature.

Eighth—That on July 12, 1882, the Governor of California, Hon. George C. Perkins, employed John Mullan to collect the unpaid Indian war claims of this State against the United States that were cognizable under the Act of Congress approved June 27, 1882. The compensation for his services was thereafter to be fixed by the Legislature.

Ninth—That on December 12, 1882, the Governor of California, Hon. George C. Perkins, employed John Mullan to collect the unpaid direct war tax claim of this State against the

United States. The compensation for his services was to be thereafter fixed by the Legislature.

Tenth—That in January, 1883, the Governor of California, Hon. George C. Perkins, in his regular biennial message, and the Surveyor-General, Hon. James W. Shauklin, in his regular biennial report, duly and respectively reported said employments to the Legislature, and Governor Perkins in said message recommended that his said employments be ratified and confirmed by the Legislature.

Eleventh—That on March 3, 1883, the Legislature, in Assembly Concurrent Resolution No. 20 (page three hundred and ninety-four, Statutes 1883), ratified and confirmed each of said employments; and therein authorized and directed that the compensation that was to be paid for services rendered and to be rendered in the collection of said claims should be fixed at a commission of twenty per cent of each of said unpaid claims, said commission to be paid out of the collections of said claims, whensoever made; *provided*, that the services were to be performed without any cost or expense to this State other than said contingent commission.

Twelfth—That bills to pay said five per cent claim (which aggregate not less than five hundred thousand dollars) were introduced in the Fiftieth Congress, first session, in both Senate and House; that the Senate Bill passed the Senate, and was favorably reported on in the House, as was also the House Bill; but no final action was had on either thereof, so far as your committee is now informed, when the Fiftieth Congress adjourned sine die.

Thirteenth—That a bill to pay the said direct war tax claim (which aggregates two hundred and sixty thousand three hundred and forty-seven dollars and sixty-seven cents, this being eighty-five per cent of two hundred and fifty-four thousand five hundred and thirty-eight dollars and sixty-seven cents, which was California's quota of said war tax, levied under the Act of Congress approved August 5, 1861, the other fifteen per cent of said tax, to wit: thirty-eight thousand one hundred and eighty dollars and eighty cents, having already been collected by John Mullan under his aforesaid employment, and by him, in September, 1884, paid to the Governor of this State, Hon. George Stoneman, who in January, 1885, duly informed the Legislature thereof in his regular biennial message) passed Congress, but was vetoed by the President; but said bill, notwithstanding said veto, was, on March 2, 1889, again passed by the Senate by a vote of forty-five ayes to nine noes, this being the only action had thereon when the Fiftieth Congress adjourned sine die, so far as your committee is now informed.

Fourteenth—That on January 2, 1889, John Mullan, under his said employment by Governor Perkins on July 12, 1882, which was ratified and confirmed by the Legislature on March 3, 1883, collected from the United States, under the Act of Congress approved June 27, 1882, the sum of eleven thousand seven hundred and twenty-three dollars and sixty-four cents, in payment and reimbursement to this State of an Indian war claim of this State against the United States on account of expenses incurred in suppressing Indian hostilities in Humboldt County, in this State, in August, 1861, and which claim John Mullan has continuously represented and prosecuted since July 12, 1882, under his aforesaid employment. That on January 18, 1889, John Mullan delivered to the Governor of this State all the drafts that were issued by the United States in payment of said Indian war claim; that the commission then due John Mullan on said collection as the compensation for his services rendered in making the same, and which was payable out of said collection, was two thousand three hundred and forty-four dollars and seventy-two cents, but that no portion whatsoever of the said commission has ever yet been paid to him either by this State or by any officer thereof.

Fifteenth—That on October 24, 1883, the Surveyor-General, Hon. H. I. Willey, subject to the approval of the Legislature, employed John Mullan to collect the unpaid claims of this State against the United States, on account of fees properly due this State by the United States on selections of lands not approved to this State, but canceled by the United States.

Sixteenth—That on March 31, 1884, the Governor of California, Hon. George Stoneman, subject to the approval of the Legislature, employed John Mullan to collect the unpaid Indian war claims of this State, other than those named in the aforesaid employment by Governor Perkins, and also to collect all interest paid or assumed by this State on all Indian or Rebellion war claims.

Seventeenth—That in January, 1885, the Governor of California, Hon. George Stoneman, in his regular biennial message to the Legislature, recited his said employments and recommended that the same be approved by the Legislature.

Eighteenth—That on March 3, 1885, the Legislature, in Senate Concurrent Resolution No. 3 (page two hundred and thirty-seven, Statutes 1885), ratified and confirmed each of said employments, and authorized and directed the compensation for the services to be rendered to be fixed and paid in each case in a manner the same as the Legislature had provided on March 3, 1883.

Nineteenth—That the amount of said fees aggregates about six thousand dollars, more or less, and though some progress has been made thereon in the Interior Department, no collections thereof have as yet been made.

Twentieth—That a bill, to wit: Senate Bill No. 3,439, Fiftieth Congress, first session, to pay said Indian war claims (which aggregate about two hundred thousand dollars, more or less), introduced by Senator Stewart, passed the Senate, and was on the Speaker's table when the Fiftieth Congress adjourned sine die, so far as your committee is now informed. The object of said bill was to authorize the Secretary of War to fully examine into and report to Congress upon said claims. That Senator Hearst, on March 2, 1889, endeavored

to secure the passage of a Senate resolution to secure for these Indian war claims an examination and report similar to that secured by Senator Stewart for the Rebellion war claims of this State; but objection having been made thereto, said resolution went over, without action, so far as your committee is now informed, when the Fiftieth Congress adjourned sine die.

Twenty-first—That bills to pay interest on said Indian and Rebellion war claims (the amount of which is indeterminate) were introduced in both Senate and House during the Fiftieth Congress, first session; but no definite action was had thereon prior to the sine die adjournment of the Fiftieth Congress, so far as your committee is now informed, outside of a favorable report in the House relative to the Rebellion war claims, and unfavorable action had in the Senate relative to said Indian war claims.

Twenty-second—That, on December 1, 1885, the Surveyor-General, Hon. H. I. Willey, subject to the approval of the Legislature, employed John Mullan to collect the unpaid claims of the State against the United States, on account of moneys arising from an improper disposition of lands by the United States that properly belonged to this State, the amount of which aggregates about twenty-five thousand dollars, more or less; that a bill to pay the same has been favorably reported upon, but no other action had thereon prior to the sine die adjournment of the Fiftieth Congress, so far as your committee is now informed.

Twenty-third—That all the aforesaid unpaid claims of this State against the United States have been represented and prosecuted at Washington for the ten years last past, beginning with November 1, 1878, by John Mullan, under his aforesaid employments (the principal of the Rebellion war claims being represented and prosecuted by him under a private contract entered into for that purpose by him with Messrs. Hale and Nosler), at his own expense, and without any cost or any expense to this State, other than a contingent commission, to be paid to him out of such collections as he may secure under his said employments, to be paid only after such collections are so made. That John Mullan has actively, diligently, and faithfully performed all the duties devolving upon him under each of his said employments, as shown by numerous letters from Senators and Representatives in Congress from the Pacific Coast States, and is evidenced by the results themselves shown to your committee.

Twenty-fourth—That if there are now any unpaid claims of this State against the United States other than and different from those herein named, they have not been brought to the notice of your committee.

Conclusions.

From the facts so found your committee has reached the following conclusions, to wit:

First—That the relations of said employes to the aforesaid claims of this State against the United States, by virtue of services rendered and to be rendered for the benefit of this State, under their said respective employments, constitute contracts of employment.

Second—That it nowhere appears to your committee that any successful efforts were ever made in the collection of these unpaid claims prior to the dates of the aforesaid employments of John Mullan. And, apparently, no serious or systematic plans were adopted therefor, unless we may possibly except the adoption by the Legislature of certain resolutions and memorials to Congress relative thereto, as such efforts or plans—for instance, such as memorializing Congress thirty-one years ago to grant to this State that which now constitutes her unpaid five per cent claim—your committee observing that nearly all of these claims are from about twenty-three to thirty-eight years old; for they run all the way from the year 1850 to 1865.

Third—That justice, as well as the honor and good faith of this State, demands that John Mullan, in all cases where the same has not heretofore been done, should be fully paid all the commissions which he has already earned upon all collections which he has already made, and which he has already paid to this State on account of any of the aforesaid claims—it having been agreed that he should be paid said commissions out of said collections whenever made, as the compensation to be paid to him under his said employments, for services rendered or to be rendered to this State, in making such collections from the United States on account of the aforesaid claims.

Recommendation.

Wherefore, your committee now recommend the due approval and adoption of this report.

MATHEWS.
CULVER.
BURWELL.
HAMILL.
JONES.

RESOLUTIONS.

By Mr. Britt:

Resolved, That George W. Faylor, Sergeant-at-Arms of the Senate, be and he is hereby employed, after the final adjournment of the Senate, for the purpose of completing the work involved upon him as Sergeant-at-Arms of the Senate, turning over to the Secretary of State all the personal property, and completing his labors to his satisfaction, and that he be allowed the sum of seventy-five dollars (\$75) therefor, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for the said amount in favor of George W. Faylor, and the Treasurer is directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. Yell:

Resolved, That the Controller is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, in favor of John P. Hughes, for the sum of one hundred and ten dollars, being amount due for material and labor furnished in constructing the apartment known as the Post Office of the Senate, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.
By Mr. Jones:

Resolved, That W. E. Duncan, Assistant Secretary of the Senate, be and he is hereby allowed the sum of fifty dollars, payable out of the Contingent Fund of the Senate, and the Controller is directed to draw his warrant on the Treasurer for the amount named, said sum being for services to be rendered under sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 17—Relative to adjournment of the twenty-eighth session of the Legislature.

Mr. Heacock moved to amend by striking out "Friday, March 15, 1889," and inserting "Saturday, March 16, 1889."

Mr. Goucher moved, as an amendment, that the further consideration be postponed until to-morrow, at ten o'clock A. M.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Jones moved to dispense with further proceedings under the call of the Senate.

So ordered.

The question recurring upon Mr. Goucher's amendment, the roll was called, and the amendment lost by the following vote:

AYES—Messrs. Banks, Bowers, Crandall, Dargie, Dray, Flint, Greely, Hamill, Langford, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Sprague, Welch, and Williams—18.

NOES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, De Long, Dixon, Fraser, Goucher, Heacock, Hinshaw, Jones, McComas, Pinder, Preston, Spellacy, White, Wilson, and Yell—20.

Mr. Goucher moved to amend by making the hour eleven o'clock and thirty minutes P. M. on Saturday.

The roll was called, and the amendment prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.

NOES—Messrs. Byrnes, Conklin, Flint, Hinshaw, and Yell—5.

Mr. Heacock moved that Assembly Concurrent Resolution No. 17, as amended, be immediately transmitted to the Assembly.

So ordered.

LEAVE OF ABSENCE.

Mr. Preston was granted leave of absence for the remainder of the session.

MOTION.

Mr. Moffitt moved to take up the Governor's message.
So ordered.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 14, 1889. }

To the Senate of the State of California:

I have the honor herewith to return to your honorable body Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California—without my approval. In this action I take the ground that all such Acts as this are against public policy. The theory that any and all persons who may feel aggrieved by any act of an agent of the State should find redress by suit against the State is pernicious, and I cannot see my way clear to permit the State of California to be continually embroiled in suits at law, as she will be by lending the weight of the Governor's office to legislative Acts which have that end in view. There is a way already provided by law for persons who have just causes of complaint against the State to obtain redress. The State Board of Examiners will cheerfully do their full duty by examining into all such cases.

Furthermore, the Act itself does not place any limit upon the amount for which Mr Hackett may sue the State, and in my judgment it is in contravention of subdivision nineteen of section twenty-five, article four, of the State Constitution, which prohibits the Legislature from granting to any individual any special or exclusive right.

R. W. WATERMAN, Governor.

MOTION.

Mr. Moffitt moved that the consideration of the Governor's veto to Senate Bill No. 59 be made a special order to-morrow, at eleven o'clock A. M.

So ordered.

Mr. Fraser moved that the Senate proceed to reconsider the vote by which Assembly Bill No. 612 passed the Senate.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Preston, Roth, Sprague, Welch, Williams, Wilson, and Yell—30.

NOES—Messrs. Moffitt, Pinder, Spellacy, and White—4.

CONSIDERATION OF ASSEMBLY BILL No. 612.

Assembly Bill No. 612—An Act to provide for the appointment of Boards of Election Commissioners for the several counties of this State, and to regulate the registration of voters.

Mr. Dray moved that the enacting clause be stricken out.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—31.

NOES—Messrs. Pinder and White—2.

RESOLUTION.

By Mr. Jones:

Resolved, That J. M. Mitchell be and is hereby allowed the sum of sixty-eight dollars for expressage from Post Office to Capitol for the twenty-eighth session, and the Controller is hereby directed to draw his warrant in favor of said J. M. Mitchell, and the Treasurer is directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MOTION.

Mr. Goucher moved that Assembly Bill No. 13 be called back from the committee, and placed on file.
So ordered.

RESOLUTION.

By Mr. Goucher:

Resolved, That Assembly Bill No. 13 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—33.

NOES—None.

PASSAGE OF ASSEMBLY BILL No. 13.

Assembly Bill No. 13—An Act to amend an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prisons, approved March 9, 1885.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—28.

NOES—None.

Title read and approved.

Mr. Goucher moved that Assembly Bill No. 13 be immediately transmitted to the Assembly.

So ordered.

Mr. Goucher asked that the Assembly be requested to return Senate Bill No. 533 to the Senate.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners—and request your honorable body to concur in the amendments.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

SPECIAL ORDER POSTPONED.

Mr. Moffitt moved that the veto message of Senate Bill No. 584, set for this hour, be postponed until to-morrow, immediately after the consideration of veto of Senate Bill No. 59.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Dargie, De Long, Dixon, Flint, Goucher, Hamill, McComas, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, White, and Williams—22.

NOES—Messrs. Campbell, Conklin, Crandall, Hinshaw, Langford, Preston, Welch, and Yell—8.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children.

Also, Senate Bill No. 373—An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also, Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Also, have amended, and passed as amended, Senate Bill No. 299—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State—and respectfully request your honorable body to concur in the same.

ED. E. LEAKE, Chief Clerk.

Senate Bills Nos. 372, 373, and 571 ordered to enrollment.

AMENDMENTS CONCURRED IN.

Assembly amendments to Senate Bill No. 266:

Amend on page nine, line two hundred and fifty-six, after the word "along," by inserting "any of the property described herein."

On page ten, at end of line two hundred and eighty-seven, add the following: "Nothing in this section shall be construed as authorizing the Board of Harbor Commissioners to construct any railroad along and upon any open canal extending inland from said waterfront; but said Harbor Commissioners may, when a waterfront railroad shall be constructed by them, construct the same across the outlet of such open canal."

The roll was called, and the Senate concurred in the amendments by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—31.

NOES—None.

Senate Bill No. 266 ordered to enrollment.

Assembly amendments to Senate Bill No. 299:

In line nine of section one of printed bill, after the words "Deputy Treasurer," insert the words "a bookkeeper for the Treasurer," and after the word "four" insert the words "six months in each year for."

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, Moffitt, Pinder, Preston, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—31.

NOES—None.

Senate Bill No. 299 ordered to enrollment.

RECESS.

At five o'clock and thirty minutes, on motion of Mr. Hamill, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock p. m. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, requests the return of Assembly Bill No. 652, sent to your honorable body on this day, as a notice of reconsideration of the vote by which the bill was passed over the Governor's veto has been made.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTION.

Mr. Goucher moved that the request be complied with.

So ordered.

PERMISSION TO INTRODUCE BILLS.

Mr. Dray asked permission to introduce four bills.

The roll was called, and the permission granted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Welch, White, Williams, and Wilson—29.

NOES—None.

INTRODUCTION OF BILLS.

By Mr. Dray: Senate Bill No. 664—An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor.

Read first time.

Also, Senate Bill No. 665—An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Read first time.

Also, Senate Bill No. 666—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Read first time.

Also, Senate Bill No. 667—An Act to provide for the fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Read first time.

APPROVAL OF JOURNALS.

Journals of Saturday, Monday, and Tuesday approved.

URGENCY FILE.

Assembly Bill No. 655—An Act respecting the payment in full by holders of certificates of purchase of lands sold by the State of California prior

to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—29.

NOES—None.

Title read and approved.

Mr. Yell moved that Assembly Bill No. 655 be immediately transmitted to the Assembly.

So ordered.

MOTION TO RECONSIDER.

Mr. Caminetti moved to reconsider the vote by which the Senate decided to indefinitely postpone Assembly Bill No. 14.

CALL OF THE SENATE.

Mr. Goucher moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Roth moved that further proceedings under the call of the Senate be dispensed with.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Briceland, Byrnes, Caminetti, Dray, Fraser, Greely, Langford, McDonald, McGowan, Roth, and Spellacy—12.

NOES—Messrs. Banks, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Goucher, Hamill, Hinshaw, McComas, Meany, Moffitt, Murphy, Sprague, Welch, White, Williams, Wilson, and Yell—20.

Mr. Boggs reported at the bar of the Senate.

Upon motion, he was excused.

Mr. Flint reported at the bar of the Senate.

Upon motion, he was excused.

Mr. Hamill moved that further proceedings under the call be dispensed with.

So ordered.

The question recurring upon Mr. Caminetti's motion, the reconsideration of the indefinite postponement of Assembly Bill No. 14.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dixon, Fraser, Hinshaw, McDonald, Meany, Murphy, Pinder, Roth, Sprague, White, and Yell—18.

NOES—Messrs. Bowers, Campbell, Dargie, De Long, Flint, Goucher, Hamill, Heacock, Jones, McComas, Moffitt, Spellacy, Welch, Williams, and Wilson—15.

ORDER RESCINDED.

Mr. Moffitt moved that the order heretofore made in regard to Senate Bill No. 59, making such a special order for to-morrow, at eleven o'clock A. M., be rescinded, and the Governor's veto of Senate Bill No. 59 be now considered.

So ordered.

Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery and the erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State.

Mr. Yell moved to commit the bill to a committee of one, consisting of Mr. Caminetti, with instructions to amend, as follows:

In section one, line ten, add, after the words "grain bags," the words, "and jute goods."

Also, same in section three, lines two and four.

Also, in section four, line eleven, the words "or other jute goods."

Also, in section five, lines one and two, add the same words after the words "grain bags."

So ordered.

The select committee reported as follows:

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 14, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

CAMINETTI, Select Committee.

Report adopted.

Bill ordered reprinted.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Also, Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge, in certain cases, of insane persons confined in the State Asylums for the Insane, and for the control and management of a Resulting Contingent Fund.

Also, Senate Bill No. 249—An Act to amend section two thousand six hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers.

Also, Substitute for Senate Bill No. 135—An Act authorizing and empowering the Boards of Supervisors of the several counties of the State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and to define the duties and powers of Commissioner.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Joint Resolution No. 5—Approving the charter of the City of San Diego, in San Diego County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the second day of March, 1889.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Senate Bills Nos. 121, 209, 295, and 249; also, Substitute for Senate Bill No. 135, and Senate Joint Resolution No. 5 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six (1956), and to amend section one thousand and fifty-seven (1957) of said Act, relating to sureties on undertakings and bonds.

Also, Senate Bill No. 83—An Act to amend sections nine hundred and fifty-five and nine hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to corporations becoming sureties on official bonds.

Also, Assembly Bill No. 381—An Act to authorize the State Board of Fish Commissioners to import game birds into the State, for propagation, and to appropriate money for that purpose, and providing a penalty for the shooting, trapping, killing, or otherwise destroying any of said birds within this State.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 41 and 83 ordered to enrollment.

RESOLUTION.

By Mr. Pinder:

Resolved, That Assembly Bill No. 381 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Campbell, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Spellaey, Sprague, Welch, White, Williams, Wilson, and Yell—32.

NOES—Messrs. Boggs, Conklin, and Crandall—3.

PASSAGE OF ASSEMBLY BILL No. 381.

Assembly Bill No. 381—An Act to authorize the State Board of Fish Commissioners to import game birds into the State, for propagation, and to appropriate money for that purpose, and providing a penalty for the shooting, trapping, killing, or otherwise destroying any of said birds within this State.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Campbell, Dargie, De Long, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Spellaey, Sprague, Welch, White, Williams, and Wilson—24.

NOES—Messrs. Boggs, Briceland, Conklin, Crandall, McGowan, Roth, and Yell—7.

Title read and approved.

Mr. Pinder moved that Assembly Bill No. 381 be immediately transmitted to the Assembly.

So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 228—An Act to grant to the Regents of the University of California the north one half of section sixteen, township seven south, of range three east, Mount Diablo meridian.

Also, passed Assembly Bill No. 405—An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes.

Also, adopted Senate Concurrent Resolution No. 11—Requesting our representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of Sacramento and Feather Rivers, in California, from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Concurrent Resolution No. 11 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 619—An Act to add thirty-four sections to an Act of the Legislature of the State of California to establish a Political Code, approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, two thousand six hundred and six, two thousand six hundred and seven, and two thousand six hundred and eight, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego.

Also, Substitute for Senate Bill No. 596—An Act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same.

Also, Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton for the twenty-fifth fiscal year.

Also, Assembly Bill No. 556—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of bookkeeper of the Treasurer of State.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 619, 596, and 187 ordered to enrollment.

RESOLUTION.

By Mr. Goucher:

State of California to T. McGann, Dr.:

To mileage as witness before the Senate Committee on State Prisons and Prison Buildings, from San Quentin to Sacramento and return.....	\$19 20
To per diem as witness, four days at \$2.....	8 00
Total.....	\$27 20

Resolved, That the Controller be and he is hereby authorized to draw his warrant upon the State Treasurer, in favor of T. McGann, for the sum of twenty-seven dollars and twenty cents, due him for mileage and services as a witness before the Senate Committee on State Prisons and Prison Buildings, as per statement above.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

SUBSTITUTION OF BILL.

Senate Bill No. 577 withdrawn, and Assembly Bill No. 556 substituted therefor.

Assembly Bill No. 556—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Joint Resolution No. 7:

"WHEREAS, A special joint committee was appointed under Assembly Concurrent Resolution No. 5, adopted January 25, 1889, to examine into and report upon all matters relative to the unpaid claims of this State against the United States, etc.; and whereas, said committee has submitted a report in writing thereon; therefore, be it

Resolved by the Assembly of California, the Senate thereof concurring, That said report be approved, and the same be and is now hereby adopted."

Also, passed Assembly Bill No. 574—An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also, that the Assembly, on this day, rejected the report of the conference committee on Substitute for Assembly Bill No. 452.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 656—An Act to provide for the payment for extra services performed by laborers and mechanics on the building of the State Normal School at Chico, and to appropriate money therefor.

Also, concurred in the amendments made in your honorable body to Assembly Bills Nos. 83 and 178.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 573—An Act to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon.

Also, Senate Bill No. 651—An Act for the relief of Patrick Creighton.

ED. E. LEAKE, Chief Clerk.

Assembly Joint Resolution No. 7 ordered on file.

Assembly Bill No. 574 ordered on file.

Assembly Bill No. 656 ordered on file.

Assembly Bill No. 573 ordered on file.

Senate Bill No. 651 ordered to enrollment.

MOTION TO RECONSIDER.

Mr. McComas moved to reconsider the vote by which Senate Bill No. 453 was refused passage by the Senate.

CALL OF THE SENATE.

Mr. Jones moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Heacock moved to dispense with further proceedings under call of the Senate.

So ordered.

SENATE BILL No. 453 RECONSIDERED.

On the motion of reconsideration of Senate Bill No. 453, the roll was called with the following result:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Heacock, Hinshaw, Jones, Langford, McComas, Moffitt, Murphy, Pinder, White, and Wilson—22.

NOES—Messrs. Boggs, Dray, Flint, Fraser, Goucher, Greely, Hamill, McDonald, Meany, Roth, Spellacy, Sprague, Welch, Williams, and Yell—15.

SENATE BILL No. 453 REFUSED PASSAGE.

Senate Bill No. 453—An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Banks, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Heacock, Jones, Langford, McComas, Moffitt, Murphy, Pinder, White, and Wilson—19.

NOES—Messrs. Boggs, Bowers, Britt, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Meany, Roth, Spellacy, Sprague, Welch, Williams, and Yell—17.

CONSIDERATION OF GOVERNOR'S VETO OF SENATE BILL No. 59.

Mr. Moffitt moved that the Senate do proceed to reconsider Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California.

Motion carried.

Mr. Moffitt moved that the said bill be again put upon its passage, in accordance with section sixteen of article four of the Constitution.

Whereupon, said bill was again put upon its passage, the question being whether such bill shall become a law, notwithstanding the Governor's objections.

The roll was called, with the following result:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Hamill, Hinshaw, Jones, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—27.

NOES—Messrs. Banks, Boggs, Conklin, Crandall, Heacock, Langford, McComas, McDonald, and Wilson—9.

Whereupon, the President pro tem. announced as follows:

Under the provisions of section sixteen, article four, of the Constitution, said bill, having been reconsidered by the Senate, has duly passed said Senate, by the yeas and nays, two thirds of the members elected to said Senate voting therefor. And said bill is ordered transmitted to the Assembly, where, if two thirds of the members elected to said Assembly, by yeas and nays, shall vote to pass said bill, it shall become a law, notwithstanding the Governor's objection.

The Senate, without objection, ordered the bill immediately transmitted to the Assembly.

CALL OF THE SENATE.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell.

Messrs. Hamill, Williams, Meany, Mead, and McGowan before the bar of the Senate.

Mr. Yell moved that they be each fined one dollar.

So ordered.

Mr. Yell moved to dispense with further proceedings under the call of the Senate.

So ordered.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

Mr. Murphy called up Senate Constitutional Amendment No. 14.

Mr. Hinshaw moved to amend by striking out the word "Sonoma."

Adopted.

Senate Constitutional Amendment No. 14—To propose to the People of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department.

Resolved, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, A. D. 1889, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby propose that section seventeen of article six of the Constitution of said State be amended so as to read as follows:

SECTION 17. The Justices of the Supreme Court and Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salary of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected.

The annual salaries of the Justices of the Supreme Court shall be eight thousand (\$8,000) dollars each, until otherwise changed by the Legislature. The Superior Court Judges shall receive an annual salary of four thousand (\$4,000) dollars each, payable monthly; except the Judges of the City and County of San Francisco and the Counties of Alameda, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, San Diego, San Bernardino, Colusa, and Tehama, who shall receive six thousand (\$6,000) dollars; and the Judges of the Counties of Tulare, Monterey, and San Joaquin shall receive five thousand (\$5,000) dollars each.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hamill, Jones, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams and Wilson—28.

NOES—Messrs. Campbell, Conklin, Crandall, Fraser, Heacock, Hinshaw, Langford, McComas, Pinder, Sprague, and Yell—11.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: The committee appointed under Assembly Concurrent Resolution respecting the order in which bills should be brought up and considered, submit the following report:

In accordance with our last report, we recommend that the Senate place all Assembly Bills on a special file, suspend the provisions of the Constitution, and those receiving the requisite vote placed on their final passage. That this special file be considered from and after eleven o'clock A. M. to-morrow. That the Assembly do likewise with Senate Bills.

Respectfully submitted.

BRITT, Chairman,
MCGOWAN,
CAMINETTI,

Committee on part of Senate.
OSTROM,
COOMBS,
Committee on part of Assembly.

On motion of Mr. Yell, the report was adopted.

Mr. McComas withdrew Senate Bill No. 585 (No. 202 on file), Senate Bill No. 292 (No. 233 on file), Senate Bill No. 342 (No. 234 on file).

Mr. Goucher withdrew Senate Bill No. 117 (No. 41 on file), Senate Bill No. 634 (No. 206 on file), Senate Bill No. 630 (No. 211 on file).

RESOLUTION.

By Mr. Goucher:

Resolved, That the roll be called, and each Senator as his name is called may call up for reading or passage, as urgency matter, any Assembly Bill now on file; *provided*, that the bill so called up shall constitute a special file, which shall be considered in regular order as against all matters except existing special orders; *provided further*, that the consideration of said bills called up hereunder may be by a majority vote interrupted to take up messages from either the Governor or the Assembly; *provided further*, that the roll shall be called by beginning with the initial letter "Y," and calling to the first of the alphabet.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Campbell, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Langford, McGowan, Mead, Meany, Moffitt, Roth, Sprague, Williams, and Wilson—22.

NOES—Messrs. Boggs, Britt, Caminetti, Conklin, Crandall, Dargie, Hamill, Heacock, Jones, McDonald, Murphy, Spellacy, Welch, White, and Yell—15.

MOTIONS.

Mr. Caminetti moved that the Committee on Printing report on to-morrow as to the reason of the early closing of the State Printing office.

So ordered.

Mr. Caminetti moved that the reconsideration of Assembly Bill No. 617 be postponed until to-morrow.

So ordered.

Mr. Murphy moved that the reconsideration of Substitute for Senate Bill No. 188 be postponed until to-morrow.

So ordered.

Mr. Meany moved that the Senate do now adjourn.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, Williams, Wilson, and Yell—26.

NOES—Messrs. Banks, Byrnes, De Long, Dray, Flint, Greely, Heacock, McComas, McDonald, McGowan, Sprague, and White—12.

ADJOURNMENT.

Whereupon, at eleven o'clock and ten minutes p. m., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 15, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORT OF STANDING COMMITTEE.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1889.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 186—An Act regulating the charges of telephone companies and corporations, and individuals operating telephones and telephone lines—have had the same under consideration, and respectfully report the same back, without recommendation.

GOUCHER, Chairman.

RESOLUTION.

By Mr. Goucher:

Resolved, That Senate Bills Nos. 663, 664, 665, 666, 667, Assembly Bills Nos. 556, 120, 589, 449, 322, 301, 573, 75, Substitute for Assembly Bill No. 288, 131, 174, 112, 113, 558, 575, 547, 46, 109, 132, 152, 161, 217, 574, 367, 659, 557, 281, and each thereof, presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that each bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills, and each thereof, be read the first, second, and third times, upon one day, and each thereof placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—None.

MOTION TO RECONSIDER.

Mr. McComas moved that the Senate do now reconsider the vote by which Assembly Bill No. 617 passed the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Caminetti, Hinshaw, Langford, Pinder, Roth, and Sprague—6.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Spellacy, Welch, White, and Wilson—26.

Title read and approved.

Mr. McComas moved that Assembly Bill No. 617 be immediately transmitted to the Assembly.

So ordered.

CASES OF URGENCY.

Senate Bill No. 664—An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Wilson—32.

NOES—None.

Title read and approved.

Mr. Dray moved that Senate Bill No. 664 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 665—An Act to provide for the removal of ten tiers of wooden steps, and to construct in their stead granite steps, on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Spellacy, Welch, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

Mr. Dray moved that Senate Bill No. 665 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 666—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Spellacy, Welch, White, Williams, and Wilson—30.

NOES—None.

Title read and approved.

Mr. Dray moved that Senate Bill No. 666 be immediately transmitted to the Assembly.

So ordered.

Senate Bill No. 667—An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

Bill having been read first time, was read second time, considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Spellacy, Welch, White, Williams, and Wilson—30.

NOES—None.

Title read and approved.

Mr. Dray moved that Senate Bill No. 667 be immediately transmitted to the Assembly.

So ordered.

RESOLUTION.

By Mr. Heacock:

Resolved by the Senate, the Assembly concurring, That the joint rule of the two Houses which prohibits any bills being sent to the State Printer on the last day of the session be and the same is hereby repealed.

Adopted.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 561—An Act making an appropriation to pay certain claims incurred by the Board of Trustees of the California Hospital for Chronic Insane Asylum at Agnews, during the thirty-eighth fiscal year, with legal interest thereon.

Bill read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Wilson—29.

NOES—None.

Title read and approved.

Mr. Meany moved that Assembly Bill No. 561 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Bill read third time, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.

NOES—None.

Title read and approved.

Mr. Wilson moved that Assembly Bill No. 485 be immediately transmitted to the Assembly.

So ordered.

REPORTS OF STANDING COMMITTEES.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

Also, Senate Bill No. 295—An Act to provide for the maintenance, support, and discharge in certain cases of insane persons confined in the State Asylums for the Insane, and for the control and management of a Resulting Contingent Fund.

Also, Senate Joint Resolution No. 5—Relative to a charter for the City of San Diego, in San Diego County.

Also, Senate Concurrent Resolution No. 11—Requesting our representatives in Congress to ask an appropriation of two million dollars for the improvement of the navigation of the Sacramento and Feather Rivers, in California, from the head of navigation on the Sacramento, at St. Johns, and from the head of navigation on Feather River, at Oroville (said Feather River being a tributary of the Sacramento), to San Francisco Bay.

And have this day delivered the same to the Governor.

MEAD, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following bill has been correctly engrossed: Amended Assembly Bill No. 14.

GREELY, Acting Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 14, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I approved, on March 13, 1889, Senate Bill No. 612—An Act to amend an Act entitled an Act amendatory of and supple-

mentary to an Act approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872.

Also, Senate Bill No. 205—An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of sixty-five thousand dollars for the support of said Home," approved March 17, 1887.

Also, Senate Bill No. 206—An Act to appropriate the money now in the Treasury of the State of California known as the "Adult Blind Fund, Unavailable."

Also, Senate Bill No. 218—An Act providing for the enlarging, strengthening, and improving of the State Printing Office building, and appropriating money therefor.

Also, Senate Bill No. 309—An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years.

Also, Senate Bill No. 34—An Act making an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years.

Also, Senate Bill No. 27—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 31—An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same.

Also, Senate Bill No. 103—An Act to provide for walks in the State Capitol grounds, and appropriate money therefor.

Also, Substitute for Senate Bill No. 459—An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps, on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, on March 11, 1889, Senate Bill No. 280—An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract.

Also, on this day, approved Senate Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year.

Also, Senate Bill No. 285—An Act entitled an Act to appropriate money to pay the claim of Mrs. J. G. Lemon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885.

Also, Senate Bill No. 372—An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children, and making an appropriation therefor.

Also, Senate Bill No. 373—An Act to provide for the care and training of feeble-minded children, and making an appropriation therefor.

R. W. WATERMAN, Governor.

SPECIAL FILE—URGENCY.

Assembly Bill No. 556—An Act to amend section four hundred and fifty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Goucher, Greely, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, White, Williams, and Yell—32.

NOES—None.

Title read and approved.

Mr. Langford moved that Assembly Bill No. 556 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 120—An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—34.

NOES—None.

Title read and approved.

Mr. Yell moved that Assembly Bill No. 120 be immediately transmitted to the Assembly.

So ordered.

Mr. Yell in the chair.

Assembly Bill No. 449—An Act to amend section three thousand six hundred and sixty-five of the Political Code, relating to the assessment of railroads operating in more than one county.

Read second and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—28.

NOES—None.

Title read and approved.

Mr. McGowan moved that Assembly Bill No. 449 be immediately transmitted to the Assembly.

So ordered.

Mr. White in the chair.

Assembly Bill No. 322—An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—29.

NOES—None.

Title read and approved.

Mr. Caminetti moved that Assembly Bill No. 43 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 301—An Act to amend an Act entitled "An Act to amend section eight of an Act entitled 'An Act to provide for the future management of the Napa State Asylum for the Insane,' approved March 6, 1876, relating to the Resident and Assistant Physicians," approved March 17, 1887.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—28.

NOES—None.

Title read and approved.

Mr. Sprague moved that Assembly Bill No. 301 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 573—An Act to purchase adjacent lands at San Quentin for the use of the State Prison, together with the improvements thereon.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, De Long, Dray, Flint, Fraser, Greely, Jones, Langford, McComas, McDonald, McGowan, Mead, Pinder, Roth, Spellacy, White, Williams, and Wilson—25.

NOES—Messrs. Dixon and Hinshaw—2.

Title read and approved.

Mr. De Long moved that Assembly Bill No. 573 be immediately transmitted to the Assembly.

So ordered.

Assembly Constitutional Amendment No. 7—Relative to the sessions of the Legislature.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Messrs. Bowers, Conklin, Crandall, and Roth—4.

NOES—Messrs. Banks, Britt, Byrnes, Caminetti, Campbell, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Pinder, Spellacy, Sprague, White, Williams, and Wilson—26.

Assembly Bill No. 75—An Act to amend section four hundred of the Penal Code, relating to contagious diseases among animals.

Read first and second times.

Mr. Heacock moved to amend by striking out sections two and three.

Adopted.

Bill ordered printed and to a third reading.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—and respectfully asks your honorable body to concur in the amendments.

ED. E. LEAKE, Chief Clerk.

Assembly amendments to Senate Bill No. 519:

Amend title so as to read:

"An Act to amend sections two, three, six hundred and twenty-five, six hundred and twenty-six, six hundred and forty-one, and seven hundred and sixty-eight of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations,' approved March 13, 1883."

Amend by insertion in section one, after line twenty-two, printed bill, the following:

"The boundaries so established by the Board of Supervisors shall be the boundaries of such municipal corporation until by action, authorized by law, for the annexation of additional territory to or the taking of territory from said municipal corporation, such boundaries shall be changed; *provided*, whenever it shall appear to the Board of Supervisors that the boundaries of any municipal corporation have been incorrectly described, the Board shall direct the County Surveyor to ascertain and report a description of the boundaries. The Board of Supervisors shall, at their first regular meeting after the filing of the report of the County Surveyor, cause notice to be published in some newspaper published in the county, that the report will be acted upon at the next regular meeting of the Board, and at said meeting the Board shall ratify the report of the County Surveyor, with such modifications as they shall deem necessary, and the boundaries so established shall be the legal boundaries of said municipal corporations."

SEC. 2. Section three of said Act is hereby amended so as to read as follows:

Section 3. Such elections shall be conducted in accordance with the general election laws of the State, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, enrolled upon the Great Register thereof, and shall have resided within the limits of such proposed corporation for at least sixty days next preceeding such election. The Board of Supervisors shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat; and if, upon such canvass, it appears that a majority of the votes cast are for the incorporation, the Board shall, by an order entered upon their minutes, declare such territory duly incorporated as a municipal corporation of the class to which the same shall belong, under the name and style of the city (or town, as the case may be) of — (naming it), and shall declare the persons receiving, respectively, the highest number of votes for such several offices to be duly elected to such offices. Said Board shall cause a copy of such order duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing such corporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold

such officers, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected, and qualified; and it shall not be necessary in any action, civil or criminal, to plead or prove the organization or existence of such corporation, and the Courts shall take judicial cognizance thereof, without proof.

Sec. 3. Section six hundred and twenty-five of said Act is hereby amended so as to read as follows:

Section 625. The annual expenses of such city shall not exceed the sum of one hundred thousand dollars, except in cities where one per cent on the valuation of the property there raises more than the sum of one hundred thousand dollars, and in such cities the annual expenses shall not exceed the sum of one per cent of the valuation of the property therein; *provided, however*, that moneys authorized to be raised and expended for the payment of the funded or bonded indebtedness of such city, and for school purposes in such city, as provided to be raised by the provisions of this chapter, shall not be considered a portion of said annual expense. If, at any time after the said sum shall have been expended in any year, it shall appear that the interests of such city demand an expenditure of an additional sum, the City Council shall make a report of the same, which shall be published for at least three weeks in some newspaper printed and published in such city, particularly specifying the object or objects for which said expenditure is required, and the amount of money necessary to be raised to complete the same. At any time within ten days after the expiration of said publication, the City Council shall order an election, giving ten days' notice thereof, at which time those persons who are legal voters of such city may vote for or against a tax to raise such additional sum. The election shall be conducted and returns made and canvassed in all respects as the general elections of such city, and a majority shall determine if such tax be levied or not. If the vote is in favor of such tax, the City Council shall forthwith, by an order to be entered on the journal of their proceedings, order the tax to be levied and collected upon the basis of the last municipal assessment, and shall make the proposed expenditures; *provided*, that the special tax thus to be levied shall, for no one year, be more than one per cent of the valuation of real and personal property in the city, as shown by the last assessment roll. All special taxes to be levied and collected under the provisions of this section shall be levied and collected in the manner, form, and ways prescribed for the levying and collection of the general taxes of such city; and as a security for their payment, a lien shall attach to and against each lot of land for the amount assessed against it from the date of the order; and every person, firm, or corporation against whom a tax be thus assessed shall be personally liable to pay the amount to such city. Said lien shall continue until such taxes are paid or the property become vested in a purchaser under a sale thereof.

Sec. 4. Section six hundred and twenty-six of said Act is hereby amended so as to read as follows:

Section 626. Every appropriation or payment of money made or ordered by the City Council, in excess of said sum stated in section six hundred and twenty-five, unless it shall be authorized by a vote of the electors of such city, as provided for in the preceding section, shall be invalid, illegal, and void, and shall be recoverable by the city from the party or parties to whom the same is made, if knowingly taken or received by such party or parties; and the members of the City Council who shall have voted for the same shall be individually, jointly, and severally liable for such excess, and it may be recovered from them in any Court of competent jurisdiction, by the party or parties with whom they have contracted, or by the city, if payment has been actually made.

Sec. 5. Section six hundred and forty-one of this Act is hereby amended to read as follows:

Section 641. It shall be the duty of the City Assessor to prepare, between the first day of January and the first Monday in April, in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city on the first day of January, taxable for State and county purposes, with a true valuation thereof, on the first day of January, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this chapter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also, to make all assessments for the improvements of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Equalization mentioned in this chapter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council by ordinance or resolution may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to such list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. He shall receive a salary to be fixed by the City Council, which shall not exceed five hundred dollars per annum.

Sec. 6. Section seven hundred and sixty-eight of said Act is hereby amended, so as to read as follows:

Section 768. If at any time the Board of Trustees shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of a special election by the qualified electors of the city, to be held to determine whether such indebtedness shall be

incurred. Such notice shall specify the amount of indebtedness proposed to be incurred; the purpose or purposes, if the question of indebtedness for more than one purpose be proposed, of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as hereinafter provided: *provided*, that such interest shall not be in excess of seven per cent per annum. Such notice shall be published for at least two weeks in some newspaper published in such city, and no other question or matter shall be submitted to the electors at such election. If, upon the canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election shall have voted in favor of incurring such indebtedness, it shall be the duty of the Board of Trustees to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also, to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting of the same. It shall be the duty of the Board of Trustees, in each year thereafter, at the time at which taxes are levied, to levy a tax sufficient for such purpose in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund or funds, in case indebtedness be incurred for different purposes, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

SEC. 7. This Act shall take effect from and after its passage.

The Senate concurred in the amendments by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Langford, McComas, McDonald, McGowan, Meany, Spellacy, Sprague, Welch, White, and Williams—27.
 NOES—None.

Senate Bill No. 519 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State—and respectfully asks your honorable body to concur in the said amendment.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 139 amended, as follows:

Amend section one by striking out word "seventy-five" and inserting in lieu thereof "one hundred and twenty-five," in line seven, printed bill, as amended.

Amend by inserting after words "one hundred and twenty-five" the words "of whom not more than fifty shall be appointed in the City of Los Angeles."

The roll was called, and the amendments concurred in by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Murphy, Spellacy, Sprague, Welch, White, and Williams—30.
 NOES—None.

Senate Bill No. 139 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Substitute for Senate Bill No. 484—An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom—and respectfully asks your honorable body to concur in the Assembly amendments.

ED. E. LEAKE, Chief Clerk.

Assembly amendments to Senate Bill No. 484:

Amend by inserting in line eleven, section one, printed bill, after the word "corporation," the words "or, if there is no newspaper published in said corporation, in some newspaper published in the county in which said corporation is situated."

SEC. 2 Whenever any application for exclusion or separation of territory shall be made and proceedings thereon be had pursuant to the provisions of this Act, and separation or exclusion shall be denied, refused, or rejected, then and in such event, if any person or persons or corporations, previous to such application, and believing the same to be separate and distinct from the city or municipality where such application is made, shall have paid, laid out, or expended moneys in the construction and establishment of sewers, streets, or parks, or either of them, within the territory which applied for separation or exclusion, such person, persons, or corporations shall be entitled, immediately after such denial, refusal, or rejection, to maintain an action of an equitable nature in the Superior Court in the county where such application was made, against the city or municipality where such application was made, to recover against such city or municipality the value of such improvements and expenses so incurred, to be determined by three referees to be appointed by said Court, and a judgment entered for the amount thereof against such city or municipality, in favor of the person, persons, or corporations entitled to maintain such action hereunder.

The roll was called, and amendments concurred in by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Murphy, Spellacy, Sprague, Welch, White, Williams, and Yell—30.

NOES—None.

Senate Bill No. 484 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendments to Assembly Bill No. 655—An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers.

Also, passed Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein.

Also, Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 243—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to mortgages of personal property.

Also, Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

ED. E. LEAKE, Chief Clerk.

Senate Bills Nos. 485, 565, and 251 ordered to enrollment.

SUBSTITUTION OF BILL.

Senate Bill No. 495 withdrawn, and Assembly Bill No. 243 substituted therefor.

Assembly Bill No. 243—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to mortgages of personal property.

Read first time, and ordered on special file.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton for the twenty-fifth fiscal year.

Also, Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.
And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March 13, 1889, received the following message from his Excellency, the Governor, viz:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1889. }

To the Assembly of the State of California:

I have the honor herewith to return to your honorable body Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing—without my approval.

There are a number of reasons that impel me to pursue the course indicated in this, prominent among them being the fact that a position like that of Superintendent of State Printing, by reason of the duties he is called upon to perform, is one coming directly within the scope and authority of the appointing power. I am firmly of the belief that instead of there being fewer, there should be more appointments for the discharge of official duty placed in the hands of the Executive—not the present, but any Executive—and I am discussing the proposition in no personal sense, by any manner of means, as the minds of the people change in regard to their rulers, as in anything else. There is no hereditary right to office, or perpetual succession by an incumbent.

I believe there should be more appointments confided to the Executive, particularly where the appointee, in the details of his management of the trust reposed in him, comes in contact with the disbursement of large sums of money; not directly, it is true, but under his order and superintendence. In such positions, in my judgment, there should be no divided responsibility, but the appointing power should be held to a strict accountability for any laches on the part of an appointee holding place under such power. In this there is no centralization power—simply a safeguard, dictated by prudence for the protection of the right of those contributing to the support of the government.

Another strong reason, and probably the strongest of those that might be advanced, why the Superintendent of State Printing should be an appointive officer, lies in the fact that under such system he can, at any time, be removed if found unfit or incompetent for the place, whether by reason of inexperience, lack of natural ability, or on account of improper habits; while, if an incompetent man is elected to the office for a term of years, the affairs of the department must continue to suffer without remedy, and very greatly to the detriment of the State's interests.

The expense incidental to a campaign for a State office is very heavy. Printers are not famed for their wealth, and very many of those well fitted for the office of Superintendent of State Printing could not afford to risk what little money they have in a contest for the office. Such men would consequently be compelled to forego their aspirations, or else yield to the temptation of entering into combinations for the division of the expense. Every desirable position in the printing department would be farmed out, and if the election should become close and exciting, the contestant who was most unscrupulous and made the most promises would doubtless be elected. In that case, the printing office would soon be filled with men more expert as politicians than as printers, and the establishment would degenerate into a political asylum.

Under the present system the Superintendent is responsible to the Governor only, and naturally is desirous of accomplishing the best results with the least expenditure; but were the office elective, he might seek to strengthen himself with political friends in view of a reelection, and there would be danger of his gathering into the printing office many unnecessary attachés, causing greatly increased expense, and necessitating an increase in the price of school books.

The present condition of the State Printing Office is a marvel of systematic excellence and thorough discipline. In every department it will bear more than favorable comparison with any similar department anywhere, and the opinions of visitors, from abroad as well as those from our own country, unite in sustaining me in this position; and so far as the work done is concerned, in the printing office and bindery, it is a lasting credit to the representatives of the craft engaged therein.

For these reasons, I am constrained to withhold my approval of the bill.

R. W. WATERMAN, Governor.

And upon this day passed the bill by a vote, fifty-nine ayes (being more than two thirds of the members elected to the Assembly), notwithstanding the Governor's objections thereto.

ED. E. LEAKE, Chief Clerk.

MOTION.

Mr. Pinder moved that the veto message of Assembly Bill No. 262 be made the special order for to-day, at four o'clock P. M.

So ordered.

RECESS.

The hour of twelve o'clock M. having arrived, the Senate took the usual noon recess.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Welch, White, Williams, and Yell.

Quorum present.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Substitute for Senate Bill No. 129—An Act to authorize the Board of State Harbor Commissioners to pay the claim of Gregory Valerrio.

Also, Substitute for Senate Bill No. 183—An Act to amend an Act entitled "An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton," approved March 13, 1883.

Also, Senate Bill No. 176—An Act making an appropriation to pay the claim of W. F. Purnell.

Also, Senate Bill No. 296—An Act for the relief of I. G. Wickersham for moneys expended in the matter of the extradition of Ang Tai Duck.

R. W. WATERMAN, Governor.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California—notwithstanding the Governor's veto thereof, by a vote of sixty members (being a two-thirds vote of the members elected and being members of the Assembly).

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

ANNOUNCEMENT BY THE CHAIR.

Thereupon, the Chair announced as follows:

Senate Bill No. 59—An Act entitled an Act to enable John Hackett, as assignee, to sue the State of California—having been duly reconsidered, and having passed both Houses by ayes and noes, two thirds of the members elected to each House voting therefor, it has become a law, notwithstanding the Governor's objection.

REPORT OF STANDING COMMITTEE.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of

California for the forty-first and forty-second fiscal years—beg leave to report the same back, with amendments, and respectfully recommend that it do pass, as amended.

MOFFITT, Chairman.

MOTIONS.

Mr. Goucher moved to take a recess until three o'clock P. M.

Mr. Yell moved to recede from the order made yesterday, relative to the taking up of Assembly Bills.

Mr. Jones moved to amend, that a committee of three be appointed to confer with the Assembly, and that such committee report at three o'clock and thirty minutes P. M., and go into Committee of the Whole, to consider the Appropriation Bill.

On motion of Mr. Goucher, the roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Bowers, Campbell, Conklin, Dargie, Dixon, Dray, Goucher, Hamill, McDonald, Meany, Murphy, Roth, Spellacy, Welch, and Williams—16.

NOES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, De Long, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Pinder, Sprague, White, Wilson, and Yell—21.

PASSAGE OF SENATE BILL No. 663.

Senate Bill No. 663—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

Read second time, and amended, as follows:

Insert the word "State" before the word "insane," in line two, section four, printed bill.

Adopted.

Bill considered engrossed, read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

Mr. Yell moved that Senate Bill No. 663 be immediately transmitted to the Assembly.

So ordered.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 485—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTION.

Mr. Dargie moved that the Committee on Printing be authorized to examine into the amount of work which the State Printer has on hand

regarding legislative matters, and they are hereby authorized to take such steps as they may deem necessary and proper to have such legislative printing done at the earliest possible moment.

So ordered.

FIRST READING OF BILL.

Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.

Read first time.

MOTION.

Mr. McGowan moved to reconsider the vote by which Senate Bill No. 399 passed the Senate.

CALL OF THE SENATE.

Mr. Williams moved a call of the Senate.

So ordered.

The roll was called, and the following Senators responded:

Messes. Banks, Bowers, Britt, Byrnes, Caminetti, Conklin, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Messrs. Langford, Briceland, Bowers, Dray, and McDonald before the bar of the Senate.

Upon motion, they were fined one dollar each.

Upon motion of Mr. Yell, further proceedings under the call were dispensed with.

RESOLUTION.

By Mr. Moffitt:

Resolved, That Assembly Bill No. 653 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell—37.

NOES—None.

IN COMMITTEE OF THE WHOLE.

Mr. Yell moved that the Senate resolve itself into Committee of the Whole, for the purpose of considering Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years—with S. M. White as Chairman.

So ordered.

The bill was considered in Committee of the Whole.

IN SENATE.

President pro tem. S. M. White in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The President pro tem. stated the report, as follows:

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years—and now report and recommend the following amendments:

Committee amendments:

No. 1. Amend on page two, printed bill, line twenty-three, by striking out the words "six hundred" and inserting the words "nine hundred and sixty."

Adopted.

No. 2. Amend on page five, line one hundred and twenty-seven, by striking out the words "twelve hundred" and inserting in lieu thereof the words "nine hundred and sixty."

Adopted.

No. 3. Amend on page five, printed bill, line one hundred and thirty-five, by striking out the word "fifty" and inserting in lieu thereof the word "twenty-two." Also, on same page, insert after line one hundred and thirty-six, the following: "For uniforms of the new companies of the National Guard, twenty-eight thousand dollars, exempt from the provisions of section four of this Act."

Adopted.

No. 4. On page five, printed bill, add to line one hundred and forty-nine, after the word "Act," the following: "provided, that in the purchases of quantities of type and printing material (excepting power presses), all purchases shall be made after advertising, and from the lowest responsible bidder, agreeable to section five hundred and thirty-two of the Political Code."

Adopted.

No. 5. On page six, printed bill, to line one hundred and fifty-one, after the word "Act," add the following: "provided, that in the purchases of quantities of type and printing material (excepting power presses), all purchases shall be made after advertising, and from the lowest responsible bidder, agreeable to section five hundred and thirty-two of the Political Code."

Adopted.

No. 6. Amend on page six, line one hundred and seventy-seven, by striking out the words "six hundred" and substituting in lieu thereof the words "nine hundred and sixty."

Adopted.

No. 7. On page seven, printed bill, insert after line one hundred and ninety-one the following:

"For furnishing a new home for girls in the Asylum for the Deaf, Dumb, and Blind at Berkeley, two thousand dollars.

"For furnishing the school house of the Asylum for the Deaf, Dumb, and Blind at Berkeley, one thousand dollars."

Adopted.

No. 8. On page seven, insert after line two hundred and four the following:

"For furnishing three ward buildings of the California Hospital for the Chronic Insane at Agnews, ten thousand dollars, exempt from the provisions of section four of this Act.

"For furnishing administration building of the California Hospital for the Chronic Insane at Agnews, ten thousand dollars.

"For heating the buildings of the California Hospital for the Chronic Insane at Agnews, twenty thousand dollars.

"For lighting the buildings of the California Hospital for the Chronic Insane at Agnews, twenty-five thousand dollars, exempt from the provisions of section four of this Act.

"For the purchase of live stock for the use of the California Hospital for the Chronic Insane at Agnews, three thousand dollars, exempt from the provisions of section four of this Act.

"For one watchman's clock indicator for the California Hospital for the Chronic Insane at Agnews, one thousand dollars, exempt from the provisions of section four of this Act."

Adopted.

No. 9. Amend on page seven, printed bill, line two hundred and six, by striking out the words "three hundred thousand dollars" and inserting in lieu thereof "three hundred and thirty thousand dollars."

Adopted.

No. 10. Amend on page seven, printed bill, line two hundred and thirteen, by striking out the word "two" and inserting in lieu thereof the word "three."

Adopted.

No. 11. On page eight, insert after line two hundred and twenty-three the following:
 "For the support of the San Francisco State Normal School, fifteen thousand dollars, to be used during the forty-second fiscal year.
 "For uses of library and museum, San Francisco Normal School, two thousand dollars, to be used during the forty-second fiscal year."

Adopted.

No. 12. Amend, on page eight, line two hundred and twenty-one, by striking out, after the word "twenty," the word "seven."

Lost.

No. 13. Amend, on page nine, lines two hundred and sixty-one and two hundred and sixty-two, by striking out all after the word "grounds" and inserting in lieu thereof the words "one thousand dollars."

Adopted.

No. 14. Amend, on page nine, line two hundred and sixty-five, by striking out the word "six" and inserting in lieu thereof the word "seven."

Adopted.

No. 15. On page ten, printed bill, add to line three hundred and five, after the word "society," the words "exempt from the provisions of section four of this Act."

Adopted.

No. 16. On page ten insert after line three hundred and eight the following:

"For repairs to State Mineral Cabinet at Sacramento, two hundred dollars.

"For the salary of the State Engineer (State Mineralogist ex officio), six thousand dollars.

"For the uses of the State Mineralogist ex officio, ten thousand dollars, to be expended as follows: For completing the work of the State Engineer on publication of the volumes and maps now in course of completion, exempt from the provisions of section four of this Act."

Adopted.

By Mr. Yell:

Strike out of section one, line two hundred and forty-eight, the word "five" and insert in lieu thereof the word "ten."

Adopted.

By Mr. Dray:

Strike out of section one, line three hundred and five, page ten, the words "Agricultural Society" and insert in lieu thereof the words "Board of Agriculture."

Adopted.

By Mr. Greely:

Strike out of section one, lines one hundred and fifty-six, one hundred and fifty-seven, and one hundred and fifty-eight, printed bill.

Adopted.

By Mr. ———:

Insert after the word "location," line three hundred and four, page ten, the words "management and control."

Adopted.

Also, insert after the word "fairs," line three hundred and four, page ten, the words "and the expenditure of said sum."

Adopted.

By Mr. Heacock:

Add to committee amendments numbers four and five, the following: "*and provided further*, that any such bid may be accepted or rejected in whole or in part."

Adopted.

By Mr. Moffitt:

Insert, after line twenty-eight, the following: "For removal, refurnishing rooms, repairs of furniture, the sum of three thousand dollars, exempt from section four of this Act."

Adopted.

Also, strike out of section one, line two hundred and twenty-nine, printed bill, the word "fifteen" and insert in lieu thereof the word "twelve."

Adopted.

By Mr. ———:

Amend line one hundred and twenty-five by striking out the word "an," after the word "for," and adding the letter "s" after the word "clerk."

Adopted.

By Mr. Heacock:

Add to the end of section five, page eleven, the following: "*provided*, that any member of any such Department, Board, Commission, or Institution, who shall vote for any expenditure or create any indebtedness against the State in excess of the respective appropriations made by this Act, except by the unanimous consent of the State Board of Examiners, and the certificate in this section provided for be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any Court of competent jurisdiction by the person or persons, firm, or corporation to whom such indebtedness is owing."

The roll was called, and the amendment prevailed by the following vote:

AYES—Messrs. Banks, Bowers, Caminetti, Campbell, Conklin, Dargie, Dixon, Dray, Fraser, Heacock, Hinshaw, Langford, McComas, McDonald, Moffitt, Murphy, Pinder, Welch, White, Williams, and Wilson—21.

NOES—Messrs. Boggs, Briceland, Britt, Crandall, De Long, Flint, Goucher, Greely, Hamill, McGowan, Mead, and Yell—12.

Mr. Yell moved to adopt the report of Committee of the Whole.

So ordered.

Bill, as amended, ordered printed and to a third reading.

SPECIAL ORDER.

Mr. Britt moved to postpone consideration of Assembly message relative to Assembly Bill No. 262, and that the same be made the special order for to-morrow, at eleven o'clock A. M.

Mr. Dray moved to amend by making it eight o'clock and forty minutes this evening.

The roll was called, and the motion of Mr. Dray lost by the following vote:

AYES—Messrs. Banks, Bowers, Crandall, Dray, Fraser, Goucher, Hamill, Hinshaw, Langford, McComas, McDonald, Murphy, and Wilson—13.

NOES—Messrs. Brickland, Britt, Caminetti, Dargie, De Long, Dixon, Greely, Heacock, Jones, McGowan, Mead, Meany, Moffitt, Pinder, Spellacy, Sprague, Welch, White, and Williams—19.

The motion of Mr. Britt adopted by a viva voce vote.

REPORT OF STANDING COMMITTEE.

ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five, to the Political Code, in regard to the appointment of, and fixing the salary of, a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

Also, Senate Bill No. 209—An Act to amend section three hundred and forty-three of the Political Code, relating to the number and designation of the civil executive officers of the State.

Also, Senate Bill No. 41—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Also, Senate Bill 596—An Act to provide for the cancellation of unapproved applications for the purchase of sixteenth and thirty-sixth sections, and to regulate the applications for purchase of such sections.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

RESOLUTIONS.

By Mr. McDonald :

WHEREAS, The Sergeant-at-Arms will continue in the discharge of his duties for at least seven days after the adjournment of this Senate; and whereas, it is necessary to have a Porter during that period; therefore, be it

Resolved, That Chas. Robinson be and he is hereby requested to continue as Porter of said department at the same per diem allowed during the session of this body, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant in favor of said Chas. Robinson.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

By Mr. Dray:

Resolved, That the Controller is hereby directed to draw his warrant in favor of Mrs. Mains, payable out of the Contingent Fund of the Senate, for twenty-five dollars, being for washing towels during the session of the Senate.

SACRAMENTO, March 13, 1889.

Senate of California to Mrs. Mains:

To washing of towels during time of Senate in session\$25 00

Approved: G. W. FAYLOR, per Fay.

Also, the sum of sixty-five dollars, payable out of the Contingent Fund of the Senate, to the order of the Capital Ice and Coal Co., being in full for ice delivered to Senate.

Senate Chamber, bought of Capital Ice and Coal Co.:

To three thousand pounds of ice, from March first to March twentieth, inclusive, at one cent per pound.....\$30 00

To three thousand five hundred pounds of ice, from February first to February twenty-eighth, inclusive, at one cent per pound 35 00

Approved: GEO. W. FAYLOR, per Fay.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed three Trustees for the Home of Juvenile Offenders, to be located at Los Angeles, as follows: Hervey Lindley, for four years; James R. Lowe, for three years; and Josiah Sims, for two years, and respectfully ask the consent of the Senate to the same.

R. W. WATERMAN, Governor.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS.

Upon the question, "Will the Senate advise and consent to the appointment of James R. Lowe, Trustee for the Home of Juvenile Offenders, to be located at Los Angeles, for the term of three years?" the roll was called, with the following result:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.

NOES—None.

Whereupon, the President pro tem. announced the appointment of James R. Lowe duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Hervey Lindley, Trustee for the Home of Juvenile Offenders at Los Angeles, for the term of four years?" the roll was called, with the following result:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—34.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Hervey Lindley duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of Josiah Sims, Trustee for the Home of Juvenile Offenders, to be located at Los Angeles, for the term of two years?" the roll was called, with the following result:

AYES—MESSRS. Banks, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—33.

NOES—None.

Whereupon, the President pro tem. announced the appointment of Josiah Sims Trustee for the Home of Juvenile Offenders duly confirmed.

RECESS.

At five o'clock and twenty-five minutes, upon motion of Mr. Williams, the Senate took a recess until eight o'clock P. M.

REASSEMBLED.

The Senate met at eight o'clock P. M.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Briceland, Britt, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Welch, White, Williams, and Yell.

Quorum present.

URGENCY FILE.

Assembly Bill No. 75—An Act to amend section four hundred of the Penal Code, relating to contagious disease among animals.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, White, Williams, and Yell—27.

NOES—None.

Title read and approved.

Mr. Hinshaw moved that Assembly Bill No. 75 be immediately transmitted to the Assembly.

So ordered.

Substitute for Assembly Bill No. 288—An Act to appropriate money for the payment of the salary of a recording clerk in the office of the Secretary of State for the fortieth fiscal year.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Jones, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Roth, Sprague, Welch, White, and Williams—27.

NOES—Messrs. Hinshaw, Langford, and Yell—3.

Title read and approved.

Mr. White moved that Substitute for Assembly Bill No. 288 be immediately transmitted to the Assembly.

So ordered.

SPECIAL FILE—THIRD READING OF BILLS.

Assembly Bill No. 211—An Act entitled "An Act to amend the Political Code of the State of California, by adding sections two thousand nine hundred and eighty-four and two thousand nine hundred and eighty-five thereto."

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Sprague, Welch, White, Williams, and Yell—31.

NOES—None.

Title read and approved.

Mr. Williams moved that Assembly Bill No. 211 be immediately transmitted to the Assembly.

So ordered.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following resolution:

SAN FRANCISCO, March 12, 1889.

State of California to Malloye & Broder, Dr.:

To two volumes Journals of the Senate, at \$20 per volume.....\$40 00

Resolved, That the Controller of State be instructed to draw his warrant for the sum of forty dollars in favor of Malloye & Broder for two Senate Journals, as per Senate resolution herewith; also, in favor of Jesse A. Galland, Journal Clerk, in the additional sum of sixteen dollars and eighty cents, mileage, in procuring same, and the State Treasurer is directed to pay the same.

Resolved, That the Senate Journal Clerk be instructed to purchase two Journals of five hundred pages each, for the use of the Senate, same to be paid for out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment: striking out the words "sixteen dollars and eighty cents, mileage, in" and substituting the words "five dollars for."

Adopted.

Also:

SACRAMENTO, March 12, 1889.

Senate Committee on Claims to Luke Kavanaugh, Dr.:

To eight days as stenographer, at \$10.....	\$80 00
To six hundred and sixty folios, at 20 cents	132 00
Total.....	\$212 00

Approved:

MEANY, Chairman.

Resolved, That Luke Kavanaugh be and he is hereby allowed the sum of two hundred and twelve dollars for reporting and transcribing testimony taken before Committee on Claims, and the Controller is hereby directed to draw his warrant in favor of said Luke Kavanaugh for the said sum of two hundred and twelve dollars, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That Miss Susie Scott shall receive extra pay for the period of seven days from and after the date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which she is now receiving, for services to be rendered by her in remaining at the Post Office in the Capitol, and taking care of and forwarding to the Senators all mail delivered after such adjournment.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Adopted.

Also:

Resolved, That the Controller is hereby directed to draw his warrant, payable out of the Contingent Fund of the Senate, in favor of John P. Hughes, for the sum of one hundred and ten dollars, being amount due for material and labor furnished in constructing the apartment known as the Post Office of the Senate, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted, for the reason that the Committee on Public Buildings heretofore reported that the sum of one hundred dollars, which has been paid for said work, is fair and reasonable compensation for the same.

Adopted.

Also:

State of California to T. McGann, Dr.:

To mileage as witness before the Senate Committee on State Prisons and Prison Buildings, from San Quentin to Sacramento and return.....	\$19 20
To per diem as witness, four days at \$2.....	8 00
Total.....	\$27 20

Resolved, That the Controller be and he is hereby authorized to draw his warrant upon the State Treasurer, in favor of T. McGann, for the sum of twenty-seven dollars and twenty cents, due him for mileage and services as a witness before the Senate Committee on State Prisons and Prison Buildings, as per statement above.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1889.

MR. PRESIDENT: Your Committee on Commissions, to whom leave was granted to visit the State Horticultural, Viticultural, and other Commissions in San Francisco, report that on February twenty-fourth the following members of said committee, in pursuance thereof, visited said Commissions, viz.: M. W. Dixon, Thos. Fraser, and A. Caminetti.

Mr. Dixon has received mileage from another committee for said trip.

Said committee, therefore, reports that Messrs. Fraser and Caminetti are entitled to sixteen dollars and eighty cents each for one hundred and sixty-eight miles traveled.

Resolved, That the Controller is hereby directed to draw his warrant in favor of Senators Fraser and Caminetti, payable out of the Contingent Fund of the Senate, for the sum of (\$16 80) sixteen dollars and eighty cents each, and the Treasurer is hereby directed to pay the same.

DIXON, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Resolved, That Geo. W. Paylor, Sergeant-at-Arms of the Senate, be and he is hereby employed, after the final adjournment of the Senate, for the purpose of completing the work devolved upon him as Sergeant-at-Arms of the Senate, turning over to the Secretary of State all the personal property and completing his labors to his satisfaction, and that he be allowed the sum of seventy-five dollars (\$75) therefor, payable out of the Contingent Fund of the Senate; and the Controller is hereby directed to draw his warrant for the said amount in favor of Geo. W. Paylor, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted with an amendment: striking out the words "seventy-five dollars" and substituting the words "fifty dollars" in said resolution.

Adopted.

Also:

Resolved, That J. M. Mitchell be and is hereby allowed the sum of sixty-eight dollars for expressage from Post Office to Capitol for the twenty-eighth session, and the Controller is hereby directed to draw his warrant in favor of said J. M. Mitchell, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment: striking out the word "sixty-eight" and substituting the word "twenty-five."

Adopted.

Also:

Resolved, That J. M. Mitchell be allowed pay for the period of seven days from and after date of final adjournment of the twenty-eighth session of the Legislature, at the same per diem which he is now receiving, for services to be rendered by him in receiving mail from the Post Office after such adjournment. And the Controller is hereby authorized and directed to draw his warrant in favor of said J. M. Mitchell for said seven days, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

MURPHY, Chairman.

Adopted.

MOTION.

Mr. Roth moved to take up Assembly Bill No. 14, and refer it to a committee of one, to consist of Mr. Dargie, with instructions to amend, as follows:

By striking out in the title, in line four, the word "goods" and inserting the words "grain bags" before the word "for."

Also, by striking out of title, in line seven, the word "goods" and inserting the words "grain bags" before the word "shall."

Also, by striking out of section one, line six, the word "goods" and inserting the words "grain bags" before the word "for."

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Greely, Hamill, Hinshaw, Mead, Meany, Moffitt, Roth, Sprague, Williams, and Wilson—21.

NOES—Messrs. Bowers, Caminetti, Campbell, Dray, Goucher, Heacock, Jones, McComas, McGowan, Murphy, Pinder, Spellacy, Welch, White, and Yell—15.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your select committee to whom was referred Assembly Bill No. 14—An Act making appropriations for the purchase of additional jute machinery and erection of additional buildings for the manufacture of jute goods for the State Prison at San Quentin, and other expenses incidental and relating thereto, and providing for fixing the price at which jute goods shall be sold by the State—with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

DARGIE, Select Committee.

Report adopted.

ORDER RESCINDED.

Mr. Yell moved to rescind the vote by which Assembly Bill No. 14 was ordered amended.

So ordered.

MOTION.

Mr. Roth moved to commit the bill to a committee of one, to consist of Mr. Dargie, with instructions to amend, as follows:

Amend the title in line four by striking out the word "goods" and inserting the words "grain bags."

Amend title by striking out the last two lines.

Amend section one, line six, by striking out the word "goods" and inserting the words "grain bags."

Also, strike out the words "and jute goods," in line ten, section one.

Also, strike out the words "and jute goods," in line two, section three.

Also, strike out the words "and jute goods," in line four, section three.

Also, strike out the words "or other jute goods," in line eleven, section four.

Also, strike out the words "and jute goods," in line one, section five.

Also, strike out the words "and jute goods," in lines two and three, section five.

Mr. Campbell moved to lay the whole matter on the table.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Byrnes, Campbell, Crandall, De Long, Dray, Heacock, Jones, McComas, McDonald, and Yell—10.

NOES—Messrs. Banks, Boggs, Briceland, Britt, Caminetti, Conklin, Dargie, Dixon, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Langford, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, and Williams—27.

The question recurring upon Mr. Roth's motion to commit.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Flint, Fraser, Greely, Hinshaw, Moffitt, Roth, Sprague, and Williams—16.

NOES—Messrs. Banks, Caminetti, Campbell, Conklin, Crandall, Dray, Goucher, Hamill, Heacock, Jones, Langford, McComas, McDonald, McGowan, Murphy, Pinder, Spellacy, Welch, White, and Yell—20.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 227—An Act to amend section two thousand one hundred and sixty-eight of an Act to establish a Civil Code, approved March 21, 1872, relating to common carriers in general.

Also, Senate amendments to Assembly Bill No. 487—An Act to amend sections one thousand and seventy-two, one thousand and ninety-four, one thousand one hundred and twenty-seven, one thousand one hundred and twenty-nine, one thousand one hundred and thirty-one, one thousand one hundred and forty-two, one thousand one hundred and forty-five, one thousand one hundred and forty-seven, one thousand one hundred and sixty, and one thousand two hundred and four of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections.

Also, Senate amendments to Assembly Bill No. 591—An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane at Agnew's, for the thirty-eighth fiscal year, with legal interest thereon.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 159—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

Also, Senate Bill No. 335—An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Also, Senate Bill No. 444—An Act to enable incorporated cities and counties and cities and towns to acquire, maintain, and improve public parks and boulevards.

Also, Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Also, Senate Bill No. 663—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

Also, Senate Bill No. 664—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 665—An Act to provide for the removal of ten tiers of wooden steps, and to construct in their stead granite steps, on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 666—An Act to authorize municipal corporations to obtain public waterworks.

Also, Senate Bill No. 667—An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fourteenth, refused passage to Senate Bill No. 626—An Act to regulate quarantine and the admission of horses, cattle sheep, and swine into the State of California from infected districts.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 99—An Act to pay the claim of Enoch N. Strout, and to appropriate money therefor.

Also, Senate Bill No. 481—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of accounts of trustees after distribution of estates and to compensation of trustees.

Also, Assembly Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to compensation of trustees.

Also, Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf under the control of the Board of State Harbor Commissioners.

Also, Senate Bill No. 84—An Act to authorize the Board of State Harbor Commissioners to construct railroads over State lands, and lands within their jurisdiction, along the exterior waterfront line of the City and County of San Francisco, and to regulate the use of the same.

Also, Senate Bill No. 23—An Act making an appropriation for the payment of discount on warrants for water supplied to the State Prison at San Quentin by the Marin County

Water Company, for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under a contract with the State.

Also, Senate Bill No. 469—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Also, Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 150, 335, 444, 405, 663, 664, 665, 666, 667, 626, 99, 481, 480, 327, 84, 23, 469, and 22, ordered to enrollment.

MOTIONS.

Mr. De Long moved to postpone further action on Assembly Bill No. 14 until to-morrow, and that it retain its place on the file.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Boggs, Byrnes, Campbell, Dargie, De Long, Flint, Fraser, Hamill, Heacock, Jones, McComas, McDonald, Meany, Moffitt, Murphy, Pinder, Sprague, Welch, White, Williams, and Wilson—21.

NOES—Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Conklin, Crandall, Dixon, Dray, Goucher, Greely, Langford, McGowan, Mead, Roth, Spellacy, and Yell—17.

Mr. Moffitt moved that the special order, consideration of Governor's message disapproving Senate Bill No. 584, be made a special order for to-morrow, immediately after roll call.

So ordered.

MOTION TO RECONSIDER.

Mr. Williams moved that the vote by which Senate Bill No. 399 passed the Senate be reconsidered, and that further consideration be made the special order for to-morrow, at ten o'clock A. M.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Hamill, Jones, Langford, McDonald, Meany, Welch, and Williams—8.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Murphy, Sprague, White, Wilson, and Yell—25.

Mr. Williams moved to reconsider the vote by which Senate Bill No. 399—An Act to enable women to vote at elections for school officers and in matters pertaining solely to schools, and to qualify them to hold all educational offices—passed the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Britt, Greely, Hamill, McDonald, Spellacy, Welch, and Williams—7.

NOES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Sprague, White, Wilson, and Yell—27.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 619—An Act to add thirty-two sections to "An Act of the Legislature of the State of California to establish a Political Code," approved March 12, 1872, said sections to be known, numbered, and designated as sections two thousand five hundred and seventy-five, two thousand five hundred and seventy-six, two thousand five hundred

and seventy-seven, two thousand five hundred and seventy-eight, two thousand five hundred and seventy-nine, two thousand five hundred and eighty, two thousand five hundred and eighty-one, two thousand five hundred and eighty-two, two thousand five hundred and eighty-three, two thousand five hundred and eighty-four, two thousand five hundred and eighty-five, two thousand five hundred and eighty-six, two thousand five hundred and eighty-seven, two thousand five hundred and eighty-eight, two thousand five hundred and eighty-nine, two thousand five hundred and ninety, two thousand five hundred and ninety-one, two thousand five hundred and ninety-two, two thousand five hundred and ninety-three, two thousand five hundred and ninety-four, two thousand five hundred and ninety-five, two thousand five hundred and ninety-six, two thousand five hundred and ninety-seven, two thousand five hundred and ninety-eight, two thousand five hundred and ninety-nine, two thousand six hundred, two thousand six hundred and one, two thousand six hundred and two, two thousand six hundred and three, two thousand six hundred and four, two thousand six hundred and five, and two thousand six hundred and six, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego.

Also, Senate Bill No. 485—An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Grogg, shall cease upon a vacancy occurring therein.

Also, Senate Bill No. 505—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California, at the request of the Governor and Attorney-General.

Also, Senate Bill No. 251—An Act to pay the claim of Joseph N. Vera.

Also, Senate Bill No. 651—An Act for the relief of Patrick Creighton.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MOTION TO RECONSIDER.

Mr. Goucher moved to reconsider the vote by which Assembly Bill No. 565 was refused third reading by the Senate, and that further consideration be made the special order for to-morrow, at two o'clock P. M.

So ordered.

ENACTING CLAUSE STRICKEN OUT.

Assembly Bill No. 589—An Act to provide proper car guards on street railroads.

Bill read first, second, and third times.

Mr. Wilson moved to strike out the enacting clause.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hinshaw, Jones, Langford, Mead, Meany, Moffitt, Pinder, Spellacy, Sprague, Wilson, and Yell—24.

NOES—Messrs. Britt, Campbell, Conklin, Crandall, Hamill, Heacock, McComas, McDonald, Murphy, Welch, White, and Williams—12.

MOTION TO ADJOURN.

Mr. Jones moved to adjourn.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Britt, Hamill, Jones, Langford, McComas, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Yell—16.

NOES—Messrs. Banks, Boggs, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Fraser, Greely, Heacock, Hinshaw, McGowan, Mead, White, and Wilson—19.

RESOLUTION.

By Mr. Greely:

Resolved, That Assembly Bill No. 15 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, upon one day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Sprague, Welch, White, Wilson, and Yell—27.
 NOES—None.

ADOPTION OF SENATE CONCURRENT RESOLUTION No. 20.

Senate Concurrent Resolution No. 20—Memorializing Congress to hasten the completion of Oakland Harbor, and to appropriate five hundred thousand dollars thereof.

WHEREAS, The growth and development of the City of Oakland required the improvement of the navigable waters of the estuary of San Antonio for the benefit of commerce; and whereas, the United States in eighteen hundred and seventy-four assumed jurisdiction of said navigable waters of said estuary and began to improve the same for the benefit of commerce; and whereas, since that time the sum of nine hundred and twenty-eight thousand eight hundred and fifty-six dollars and five cents, as shown by the annual report of the Chief of Engineers, United States Army, for the year eighteen hundred and eighty-eight, has been expended by the Government in the improvement of Oakland Harbor; and whereas, an unexpended balance and an additional appropriation, aggregating the sum of three hundred and fifty-six thousand and fifty-three dollars and ninety-five cents, is being at present expended in the said work of harbor improvement under existing contracts; and whereas, it is estimated by Colonel Mendell, the said Chief of Engineers, United States Army, that the further sum of one million two hundred and forty-one thousand dollars will be required to complete the plans of the Government for the improvement of Oakland Harbor, so as to provide a ship channel of eighteen or twenty feet in depth at ordinary low tide; and whereas, the progress of the improvement of said harbor will, at the past rate of expenditure, be a slow and tardy undertaking, covering a period of fifteen or twenty years; and whereas, the commercial necessities of the City of Oakland and the State of California imperatively require the completion of said harbor as early as possible, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Congress of the United States be and it is hereby requested to appropriate, during the present session, the sum of five hundred thousand dollars for the improvement of Oakland Harbor, and to expedite the completion of the work, the same to be expended under the direction of the United States Engineers.

And be it further resolved, That a copy of this memorial be immediately transmitted by the Governor of the State to each of our representatives in Congress, and that they be requested to use every honorable endeavor to obtain such an appropriation.

Senate Concurrent Resolution adopted unanimously.

URGENCY FILE.

Assembly Bill No. 113—An Act to amend section six hundred and eighty of the Political Code, relating to investing school funds of the State.

Read second and third times, and passed by the following vote:

AYES—MESSRS. Boggs, Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—31.
 NOES—None.

Title read and approved.

Mr. Caminetti moved that Assembly Bill No. 113 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 558—An Act to amend section three thousand eight hundred and four of the Political Code, relative to the collection of property taxes.

Read first, second, and third times, and passed by the following vote:

AYES—MESSRS. Bowers, Britt, Brynes, Caminetti, Campbell, Conklin, Crandall, De Long, Dray, Fraser, Greely, Hamill, Langford, McComas, McGowan, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, White, Williams, and Wilson—24.

NOES—MESSRS. Heacock, Hinshaw, and Jones—3.

Title read and approved.

Mr. Bowers moved that Assembly Bill No. 558 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 575—An Act to provide for certain improvements at the San Quentin State Prison, and making an appropriation therefor.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, White, Williams, and Wilson—28.
 NOES—None.

Title read and approved.

Mr. De Long moved that Assembly Bill No. 575 be immediately transmitted to the Assembly.

So ordered.

Assembly Bill No. 46—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Made the special order for to-morrow, at ten o'clock and thirty minutes A. M.

Assembly Bill No. 109—An Act to divide the State of California into two prison districts, for the purpose of reducing expense in the transportation of prisoners.

Made the second special order after ten o'clock and thirty minutes A. M.

PRESENTATION TO PRESIDENT PRO TEM. STEPHEN M. WHITE.

On behalf of Messrs. Peckham, McCarthy, Corcoran, Duncan, Bidwell, McPike, Zollver, Ryan, O'Neal, and Bransford, Clerks at the desk, Mr. Yell, in an eloquent and appropriate speech, presented the President pro tem. of the Senate, Hon. Stephen M. White, with a diamond pin as a token of their appreciation of the kind and courteous treatment they have received at his hands during the session.

Mr. Yell, on behalf of the Senate, also presented the following letter:

We, the Senators of the twenty-eighth session of the California Legislature, whose names are subscribed to this letter addressed to the Hon. Stephen M. White, desire to convey to him an expression of our personal good will, and also to express to him a sense of our appreciation of his ability as the presiding officer of the Senate. We recognize the fact that grave and responsible duties were imposed upon him. In a Senate where the representation of political parties was so nearly balanced that only a slight inclination was toward President White's political faith, the fairest judgment of a presiding officer was required to restrain partisan ruling. We can, as Senators representing both political parties, now that the session is dissolving, appropriately announce our admiration of the sound judgment, the indulgent courtesy, the impartial ruling, and the high sense of patriotic dignity which have given character and respect to his decisions from the Chair.

As he leaves this Senate Chamber, we know that he leaves with him, besides his official honors, the grateful esteem of his personal associates, the confidence of each Senator, and the sincere good will of all within the field of his companionship.

ARCHIBALD YELL.
 FRANK MCGOWAN.
 JOHN ROTH.
 J. M. BRICELAND.
 E. H. HEACOCK.
 GEO. J. CAMPBELL.
 P. J. MURPHY.
 E. M. PRESTON.
 T. H. McDONALD.
 JOHN W. WELCH.
 F. H. GREELY.
 W. E. DARGIE.
 E. C. HINSHAW.

E. B. CONKLIN.
 J. E. MCCOMAS.
 T. J. PINDER.
 JAS. D. BYRNES.
 FRANK J. MOFFITT.
 JOHN E. HAMILL.
 JAS. E. BRITT.
 JAS. R. SPELLACY.
 M. W. DIXON.
 A. J. MEANY.
 W. H. WILLIAMS.
 M. H. MEAD.
 WM. O. BANKS.

G. G. GOUCHER.
 W. W. BOWERS.
 B. F. LANGFORD.
 A. F. JONES.
 J. N. E. WILSON.
 F. R. DRAY.
 THOMAS FRASER.
 THOS. FLINT, JR.
 F. C. DE LONG.
 A. W. CRANDALL.
 FRANK SPRAGUE.
 JOHN BOGGS.
 A. CAMINETTI.

Mr. White responded as follows:

I have had no notice or idea that any further tribute of regard would be extended to me than that which I have already received in the manner known to every Senator upon this floor. (Mr. White referred to the pleasing circumstance that the members of the Senate had presented to Mrs. White a pair of elegant diamond earrings.)

But I shall, nevertheless, say a few words in acknowledgment of the compliment so eloquently referred to by the Senator from Mendocino (Senator Yell), and in response to the sentiments he has expressed. Called to the discharge of the functions appertaining to the office of State Senator, under conditions from which it necessarily followed that my acceptance of the position was more in the nature of a duty than a pleasure, I soon learned that there was much to be said and more to be done if I desired to faithfully satisfy the demands of the trust which I had undertaken. Then it was that I marveled whether I could accomplish the task before me, either to my own satisfaction or in accord with the wishes of those who sent me here. At the last session this honorable body conferred upon me the honors and responsibilities of the second officer of the Senate. The sad event which operated a change in the Executive office made it necessary at this session of the Legislature to choose a President pro tem., whose powers and responsibilities would be virtually those of the Lieutenant-Governor.

When the Senate gave that mark of distinction to me, when the unanimous vote of the caucus of that party of which I am a member elected me to that position, I arose to appreciate that if the thought had previously been entertained by me that my personal and business interests had been sacrificed in accepting public employment, that such a reflection was unwarranted, and had been dispelled by the undeserved compliments heaped upon me.

Seventy days have come and gone—have left their history indelibly written upon the public records of this State. There may be transactions there inscribed which will not in times to come receive the encomium "well done;" but however this may be in isolated cases, you have faithfully remained here, and have worked untiringly even after the constitutional term for the payment of a salary had expired, and were content to accept the reward—the only one obtainable—which ever follows the consciousness of duty performed. We have toiled here day and night—long after the wearied brain and listless frame demanded repose. If, in my capacity as your President, I have been successful, that success has been attributable not only to your cooperation, but to the able and honest aid which I have received from the Secretary and his assistants, and from all the Clerks at the desk, and those who have had control over or assisted in keeping the Senate's official records.

Multitudes of bills and a vast volume of business have been handled by our assistants in a most efficient and thorough manner. Honesty is always requisite, but among legislative employes dishonesty is a crime so far-reaching in its consequences that it is difficult to measure its magnitude. Happily the Senate has always been able to trust those attachés who have charge of its files, and who have been intrusted with its confidence. No shadow or suspicion can rest on either of them. Speaking of the work which we have done, it is fair to say that although we have been called upon to make largely increased appropriations, it must be remembered that we have been compelled to provide for the building and maintenance of several new and needed institutions. The insane must be cared for. The great increase in our population, the peculiarly exciting incidents which have been connected with business affairs in California, have contributed to swell the membership of that unfortunate portion of mankind who, bereft of reason, are charges upon the State, and the startling fact that our insane asylums are inadequate has compelled a large and sudden outlay. Those many little ones, whose enfeebled condition has rendered it absolutely essential that they should be separated from their normal surroundings, that science might, if possible, open their being to the light of intelligence, have suggested further expense, and as the representatives of a humane and charitable people we could not remain inactive. We have, in fixing the large allowances made, been compelled to accept the advice of some one, and we have chosen to act upon the estimates prepared by the able and honest men now in charge.

Our prisons have been provided for, not extravagantly but with liberality. To the disgrace of California it has been truly said that we have no reformatory for either boys or girls. That charge will not be longer made; this Legislature has met the case, and the sums appropriated, though seemingly great, are small when contrasted with the necessity. Many children who have started on the downward path will thus be aided to arise and to become supporters of the State and promoters of her advancement.

Fellow Senators, this is the last session which will find me in an official capacity within this Capitol. This is no meaningless declaration. It is the truth. Those who act for the public do not always find official station either agreeable or profitable. To one who has spent many valuable hours within a circle such as this, striving to conform with his pledges and his conception of the calls made by his conscience, the responsibilities of his private business, and more than all the associations of his household, are far more attractive than the applause which soon dies, or the glory which may dazzle for an instant, but rarely yields substantial luster.

Fellow Senators, some of you will go hence never to return; some will once more legislate in this Senate Chamber, and contribute to the guidance of the destinies of the State. But I beg of you, one and all, to feel and understand that there is not one of you who does not bear from this place my warmest friendship. Let time bear upon its wings the

thought that I shall always look with pleasure into this chamber where so many memorable associations were formed, and where I, and those with whom I stood, struggled to do the right.

I have, of course, as an individual, had my political preferences, but I hope, as a presiding officer, you have all felt that every action of mine has been conceived and executed in fairness.

I will not say more; I have unwittingly extended my remarks.

To the young gentlemen who have made this donation I extend my heartfelt thanks. I have closely watched their conduct for more than two months, and have found nothing which should, for an instant, detract from the commendation that they are honest, efficient, and able. They shall ever form a part of the circle which incloses my friendship, which I trust shall be as unceasing as the brilliancy of the gem which has been presented to me.

Upon motion of Mr. Goucher, the remarks of Mr. White and the letter from the Senate were ordered spread in full on the minutes.

MOTION TO ADJOURN.

Mr. Williams moved to adjourn.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Britt, Byrnes, Conklin, Crandall, Dargie, Hamill, Jones, McComas, Meany, Roth, Spellacy, Sprague, Welch, Williams, and Wilson—16.

NOES—Messrs. Bowers, Caminetti, Campbell, Dray, Fraser, Heacock, Hinshaw, Langford, McGowan, Mead, Moffitt, Murphy, Pinder, White, and Yell—15.

ADJOURNMENT.

Thereupon, at eleven o'clock and thirty-five minutes P. M., the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Saturday, March 16, 1889. }

The Senate met pursuant to adjournment.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Brice land, Britt, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Preston, White, and Yell.

Quorum present.

Prayer by the Chaplain, Rev. A. C. Bane.

REPORT OF STANDING COMMITTEE.

ON STATE HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 5, 1889.

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 435—An Act to regulate the practice of pharmacy and sale of poisons in the State of California.

Also, Senate Bill No. 468—An Act to regulate the practice of medicine and surgery in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

BRICELAND, Chairman.

MOTION.

Mr. Moffitt moved to take up Assembly messages.
So ordered.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, returned Senate Bill No. 533, in accordance with your request.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed as amended, Senate Bill No. 636—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine, relating to the purchase of home manufactured type and printing material—and ask your honorable body to concur in the amendment.

Also, Senate Bill No. 304—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Also, Substitute for Senate Bill No. 180—An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly amendment to Senate Bill No. 636, as follows:

Amend by striking out the words "guaranteed by the local foundries to be," in line eight of printed bill.

The roll was called, and the amendment concurred in by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Britt, Caminetti, Campbell, Conklin, Dargie, De Long, Dray, Fraser, Goucher, Greeley, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Roth, Sprague, Welch, White, and Williams—30.

NOES—Mr. Pinder—1.

Senate Bill No. 636 ordered to enrollment.

Senate Bills Nos. 304 and 180 ordered to enrollment.

Also, the following messages were received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused passage of Senate Bill No. 154—An Act authorizing the formation of county mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof.

Also, Senate Bill No. 661—An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 145—An Act to amend "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Also, Senate Bill No. 87—An Act to reimburse the members of Company "C," Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for money expended by them for uniforms and outfits, and appropriating money therefor.

Also, Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Also, Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf and Dumb and Blind Asylum.

Also, Senate Bill No. 267—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Also, Senate Bill No. 191—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Senate Bills Nos. 154, 661, 145, 87, 82, 109, 267, and 101 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following Senate Resolution:

Resolved by the Senate, the Assembly concurring, That the joint rule of the two Houses which prohibits any bills being sent to the State Printer on the last day of the session be and the same is hereby repealed.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Also, Assembly Bill No. 65—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, and three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.

Also, Senate Bill No. 334—An Act to amend section four hundred and sixteen of "An Act to establish a Political Code," relating to fees in the Secretary of State's office—and have amended the same, and ask your honorable body to concur in the same.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Assembly amendments to Senate Bill No. 334, as follows:

Amend in line forty-five by striking out the words "one half" and substituting the words "one third."

Also, in line forty-six strike out the words "one half" and insert the words "two thirds."

The Senate refused to concur in the amendments.

Senate Bill No. 168 ordered to enrollment.

RESOLUTION.

By Mr. McGowan:

Resolved, That Assembly Bill No. 65 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon one day, and placed upon its final passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—35.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Substitute for Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section eight of article eleven thereof, relative to the framing and adoption of charters by cities containing more than one hundred thousand inhabitants, and cities containing more than ten thousand inhabitants, and cities containing more than thirty-five hundred inhabitants.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Substitute for Senate Constitutional Amendment No. 6 ordered to enrollment.

PASSAGE OF ASSEMBLY BILL No. 65.

Assembly Bill No. 65—An Act to amend section three thousand four hundred and eighty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make sections three thousand four hundred and forty-six, three thousand four hundred and forty-seven, three thousand four hundred and forty-nine, three thousand four hundred and fifty, three thousand four hundred and fifty-two, three thousand four hundred and fifty-three, three thousand four hundred and fifty-four, three thousand four hundred and fifty-five, three thousand four hundred and fifty-six, three thousand four hundred and fifty-seven, three thousand four hundred and fifty-nine, three thousand four hundred and sixty, three thousand four hundred and sixty-one, three thousand four hundred and sixty-two, three thousand four hundred and sixty-three, three thousand four hundred and sixty-five, three thousand four hundred and sixty-six, three thousand four hundred and sixty-seven, three thousand four hundred and sixty-eight, three thousand four hundred and seventy-one, three thousand four hundred and seventy-two, and three thousand four hundred and seventy-three of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—31.

NOES—Mr. Heacock—1.

Title read and approved.

Mr. McGowan moved that Assembly Bill No. 65 be immediately transmitted to the Assembly.

So ordered.

SPECIAL FILE—URGENCY.

Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to assessment of damages where the right of eminent domain is exercised.

Read second time.

Mr. Goucher amended as follows:

In line twenty-seven, subdivision four, after the word "all," insert the following: "by a diversion of water from its natural course."

Adopted.

In line thirty-one, subdivision four, strike out the word "the" before the word "damages" and insert the word "any."

Adopted.

Assembly Bill No. 132 ordered reprinted and to a third reading.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 595—An Act to provide for the appointment of an Examining Commission on Rivers and Harbors, defining their duties and powers, and prescribing their compensation.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

Assembly Bill No. 161 withdrawn and Assembly Bill No. 595 substituted therefor.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Constitutional Amendment No. 19—Relative to the office of Lieutenant-Governor.

ED. E. LEAKE, Chief Clerk.

THIRD READING OF BILL.

Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.

Read third time, and recommitted to a committee of one, consisting of Mr. Heacock, to amend as follows:

In line thirty, page two, after the word "furniture," add the words "for Supreme Court."

Also, in line one hundred and eighty, after the word "expenses," add the words "for Board of Railroad Commissioners."

The select committee made the following report:

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your select committee, to whom was referred Assembly Bill No. 653, with instructions to amend in accordance with the action of the Senate, would respectfully report that the instructions of the Senate have been carried out.

Report adopted.

HEACOCK, Select Committee.

CALL OF THE SENATE.

Mr. Williams moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

Mr. Caminetti moved to dispense with further proceedings under the call of the Senate.

So ordered.

SPECIAL ORDER.

Consideration of Governor's message disapproving Senate Bill No. 584.

Mr. Moffitt moved that the Senate do proceed to reconsider Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors.

So ordered.

Mr. Moffitt moved that the said bill be again put upon its passage, in accordance with section sixteen of article four of the Constitution.

Whereupon, said bill was again put upon its passage, the question being whether such bill shall become a law notwithstanding the Governor's objections.

Mr. Britt moved a call of the Senate.

So ordered.

The roll was called and the following Senators answered to their names:

Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, Wilson, and Yell.

On motion, further proceedings under the call of the Senate were dispensed with.

The question being, "Shall Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors—become a law notwithstanding the Governor's veto?"

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Caminetti, Campbell, Conklin, Crandall, Dargie, Dixon, Goucher, Hamill, Hinshaw, Jones, Langford, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—27.

NOES—Messrs. Banks, Boggs, Byrnes, De Long, Dray, Flint, Fraser, Greely, Heacock, McComas, McDonald, and Wilson—12.

Whereupon the President pro tem. announced as follows:

The bill has passed the Senate, notwithstanding the objection of the Governor; and upon receiving a proportionate vote in the other House of the Legislature, will, notwithstanding said objection, become a law.

SPECIAL FILE—URGENCY.

Assembly Bill No. 46—An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor.

Read third time, and passage refused by the following vote:

AYES—Messrs. Bowers, Conklin, Crandall, Dixon, Goucher, Heacock, Hinshaw, Langford, McComas, Roth, White, and Wilson—12.

NOES—Messrs. Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dray, Flint, Fraser, Greely, Hamill, Jones, McDonald, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, Williams, and Yell—24.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 82—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Also, Senate Bill No. 266—An Act to amend sections two thousand five hundred and twenty-four, two thousand five hundred and twenty-eight, and two thousand five hundred and fifty-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to San Francisco Harbor and State Harbor Commissioners.

Also, Senate Bill No. 535—An Act to add a new section to the Political Code, to be known and designated as section four thousand four hundred and ninety-three, relating to the dissolution of swamp land or reclamation districts.

Also, Senate Bill No. 663—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

Also, Senate Bill No. 664—An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 665—An Act to provide for the removal of ten tiers of wooden steps, and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 666—An Act to authorize municipal corporations to obtain public waterworks.

Also, Senate Bill No. 667—An Act to provide for fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto.

And have, this day, delivered the same to the Governor.

MEAD Chairman.

SPECIAL ORDER.

Consideration of Governor's veto of Assembly Bill No. 262.

Mr. Britt moved that the Senate do proceed to reconsider Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing.

So ordered.

Mr. Britt moved that the said bill be again put upon its passage, in accordance with section sixteen of article four of the Constitution.

Whereupon, said bill was again put upon its passage, the question being whether such bill shall become a law notwithstanding the Governor's objections.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Briceland, Britt, Campbell, Crandall, Dargie, Dixon, Hamill, Hinshaw, McGowan, Mead, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

NAIS—Messrs. Banks, Boggs, Bowers, Byrnes, Caminetti, Conklin, De Long, Dray, Flint, Fraser, Goucher, Greeley, Hancock, Jones, Langford, McComas, McDonald, and Wilson—18.

Whereupon, the President pro tem. announced that Assembly Bill No. 262—An Act to amend section five hundred and thirty of the Political Code, relating to the office of Superintendent of State Printing—had failed to become a law.

RECESS.

At the hour of twelve o'clock M., the Senate took a recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Greeley, Hamill, Hancock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

Quorum present.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Assembly Bills have been correctly engrossed: Amended Assembly Bills Nos. 653 and 132.

DIXON, Acting Chairman.

PASSAGE OF ASSEMBLY BILL No. 653.

Assembly Bill No. 653—An Act making appropriations for the support of the government of the State of California for the forty-first and forty-second fiscal years.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Boggs, Bowers, Briceland, Britt, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell—34.
 NOES—None.

Title read and approved.

SPECIAL FILE.

Assembly Bill No. 217—An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro.

Read second time.

RESOLUTION.

By Mr. Heacock:

Resolved, That Assembly Bills Nos. 131, 174, 112, 547, 109, Assembly Concurrent Resolution No. 11, Assembly Bill No. 152, Assembly Joint Resolution No. 5, Assembly Bills Nos. 595, 217, 574, 367, 656, 557, Assembly Concurrent Resolution No. 16, Assembly Bills Nos. 287, 15, 243, 379, 660, Assembly Joint Resolution No. 7, Assembly Bill No. 618, and each thereof, present a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills and each thereof be read the first, second, and third times, upon this day, and each thereof placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Murphy, Pinder, Spellacy, Sprague, Welch, White, Williams, and Wilson—32.
 NOES—None.

CASES OF URGENCY.

Assembly Bill No. 217—An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and the Bay of San Pedro.

Read third time, and passed by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Wilson—31.
 NOES—None.

Title read and approved.

Assembly Bill No. 131—An Act to amend section three hundred and ninety-two of the Code of Civil Procedure of the State of California, relating to the place of trial of civil action.

Read third time, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceand, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, Mead, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—31.
 NOES—Mr. White—1.

Title read and approved.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, sustained the Governor's veto of Senate Bill No. 584—An Act to regulate the powers and duties of the State Board of Prison Directors—by a vote of thirty-nine ayes to thirty-two noes.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused passage to Senate Bill No. 604—An Act to amend section two thousand six hundred and ninety-three of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways.

ED. E. LEAKE, Chief Clerk.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building, for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

ED. E. LEAKE, Chief Clerk.
 By M. YAGER, Assistant Secretary.

Senate Bill No. 601 ordered to enrollment.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 174—An Act to define and regulate the duties and obligations of master and apprentice.

Read second time.

Mr. Bowers moved to strike out the enacting clause.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Campbell, Crandall, Fraser, Goucher, Greely, Hinshaw, Langford, and McComas—9.

NOES—Messrs. Banks, Briceand, Britt, Caminetti, Conklin, Dixon, Hamill, Heacock, Jones, McDonald, McGowan, Mead, Moffitt, Pinder, Roth, Spellacy, Welch, White, Williams, and Yell—20.

Mr. Campbell moved a call of the Senate.

Lost.

Assembly Bill No. 174—An Act to define and regulate the duties and obligations of master and apprentice.

Read third time, and pending roll call Mr. Britt moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Banks, Bowers, Briceland, Britt, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Langford, McComas, McGowan, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, White, Williams, and Yell.

Mr. Bowers moved to dispense with further proceeding under the call of the Senate.

So ordered.

Assembly Bill No. 174—An Act to define and regulate the duties and obligations of master and apprentice.

Passage refused by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Byrnes, Dargie, Dixon, Hamill, Heacock, McComas, McDonald, Mead, Moffitt, Murphy, Spellacy, Welch, Williams, and Yell—17.

NOES—Messrs. Bowers, Campbell, Conklin, Crandall, De Long, Dray, Flint, Fraser, Goucher, Greely, McGowan, Roth, Sprague, and White—14.

RESOLUTION.

By Mr. Moffitt:

WHEREAS, The duties of the Journal Clerk and his assistants, through the introduction of three voluminous charters, and the necessity of transcribing the San Diego charter recently introduced, and also for the purpose of comparing, ruling, and the general completion of the Journal and the delivery of the same to the Secretary of State, will consume at least fourteen days after the adjournment of this body: therefore, be it

Resolved, That Assistants Clough, Brown, and Maynard be and they are hereby allowed the same per diem as allowed during the session of this body for the said fourteen days, payable out of the appropriation for the contingent expenses of the Senate, and the Controller is hereby authorized and directed to draw his warrants in favor of said assistants, and the Treasurer is hereby directed to pay the same.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

PERMISSION TO INTRODUCE A BILL GRANTED.

Mr. Goucher asked permission to introduce a bill.

The roll was called, and permission granted by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Moffitt, Roth, Sprague, White, and Yell—28.

NOES—Mr. Welch—1.

INTRODUCTION OF BILL.

By Mr. Goucher: Senate Bill No. 668—An Act to provide for the submission of such proposed amendments to the Constitution of the State of California as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California, at the session thereof beginning on January 7, 1889, to the qualified voters of said State, at a general election to be held on the first Tuesday after the first Monday of November, 1889.

Read first time, and placed on file.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 112—An Act to add a new section, to be known and numbered as section three thousand seven hundred and ten, to the Political Code, relating to tax levy for State school funds.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Britt, Byrnes, Caminetti, Conklin, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, Mc-

Donald, McGowan, Mead, Moffitt, Murphy, Pinder, Sprague, Welch, White, Williams, Wilson, and Yell—30.
NOES—Messrs. Campbell, Crandall, and Spellacy—3.

Title read and approved.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 664—An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.

Also, concurred in the Senate amendments to Assembly Bill No. 653—An Act making appropriations for the support of the State government.

ED. E. LEAKE, Chief Clerk.

RESOLUTION.

By Mr. Jones:

Resolved, That Assembly Bill No. 664 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, upon this day, and placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Sprague, Welch, Williams, Wilson, and Yell—31.

NOES—None.

Mr. Bowers in the chair.

PASSAGE OF ASSEMBLY BILL No. 664.

Assembly Bill No. 664—An Act to amend section three thousand seven hundred and thirteen of the Political Code, relating to levy of taxes.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—31.

NOES—None.

Title read and approved.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
 SACRAMENTO, March 16, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 11—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as section one thousand and fifty-six, and to amend section one thousand and fifty-seven of said Act, relating to sureties on undertakings and bonds.

Also, Senate Bill No. 83—An Act to amend sections nine hundred and fifty-five and nine hundred and fifty-six of an Act entitled "Act to establish a Political Code," approved March 12, 1872, relating to corporations becoming sureties on official bonds.

Also, Senate Bill No. 121—An Act to add a new section, to be known as section four hundred and seventy-five of the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary.

Also, Senate Bill No. 587—An Act making an appropriation for the cost of printing and engraving of pure California wine labels.

Also, Senate Bill No. 662—An Act to authorize the payment of claims against the State, which were incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same.

Also, Senate Bill No. 571—An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling.

Also, Senate Bill No. 187—An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton, for the twenty-fifth fiscal year.

Also, Senate Bill No. 102—An Act to amend sections three thousand seven hundred and forty-seven and three thousand seven hundred and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the place where taxes may be paid.

Also, Senate Bill No. 135—An Act authorizing and empowering the Boards of Supervisors of the several counties of the State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and to define the duties and powers of Commissioners.

Also, Senate Bill No. 209—An Act to establish a Police Court in and for the City of Marysville.

R. W. WATERMAN, Governor.

SPECIAL ORDER.

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Mr. Murphy moved a call of the Senate.

So ordered.

The roll was called, and the following Senators answered to their names:

Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Sprague, Welch, Williams, and Yell.

Mr. Murphy moved to dispense with further proceedings under the call of the Senate.

So ordered.

Amendment by Mr. Bowers to Assembly Bill No. 565:

Amend by adding to Mr. Bowers' amendment the following: "*and provided further, that the State Homeopathic Medical Society shall have the power to nominate the Faculty who shall instruct in this branch of medical science in this institution.*"

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Goucher, Hamill, Jones, McDonald, McGowan, Moffitt, Murphy, Spellacy, Welch, Williams, and Yell—20.

NOES—Messrs. Bowers, Campbell, Conklin, Crandall, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Pinder, Roth, and Sprague—15.

The question being, "Shall Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California—be ordered to a third reading?"

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Dargie, De Long, Dixon, Dray, Goucher, Hamill, Jones, McDonald, McGowan, Moffitt, Murphy, Spellacy, Welch, White, Williams, Wilson, and Yell—24.

NOES—Messrs. Conklin, Crandall, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Roth, and Sprague—12.

Mr. Williams moved that Assembly Bill No. 565 be made the special order for to-night, at nine o'clock.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dixon, Dray, Goucher, Hamill, Jones, McComas, McDonald, McGowan, Moffitt, Murphy, Pinder, Spellacy, Welch, White, Williams, and Yell—24.

NOES—Messrs. Campbell, Conklin, Crandall, Flint, Fraser, Greely, Heacock, Hinshaw, Mead, Roth, and Sprague—11.

RESOLUTION.

By Mr. Murphy:

Resolved, That the Journal Clerk of the Senate be and he is hereby directed to deliver to the Journal Clerk of the Assembly one unused volume of Senate Journal, for the use of the Assembly.

Adopted.

President pro tem. White in the chair.

MOTION.

Mr. Crandall moved to take up Assembly Bill No. 281 out of order.
The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bowers, Britt, Byrnes, Conklin, Crandall, Dixon, Fraser, Heacock, McComas, McGowan, Moffitt, Pinder, Roth, Sprague, Welch, White, and Yell—17.

NOES—Messrs. Boggs, Briceland, Caminetti, Campbell, Dargie, De Long, Dray, Goucher, Greely, Hamill, Hinshaw, Jones, Mead, and Williams—15.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following bills have been correctly enrolled:

Senate Bill No. 84—An Act to authorize the State Board of Harbor Commissioners to construct railroads over the State lands and lands within their jurisdiction along the waterfront line of the City and County of San Francisco.

Also, Senate Bill No. 181—An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add new articles thereto, to be known as article five, of chapter eleven, of title eleven, of part three, relating to settlement of trustees after distribution of estates, and to compensation of trustees.

Substitute for Senate Bill No. 184—An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

Senate Bill No. 207—An Act to amend an Act entitled "An Act to amend section six of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 12, 1875, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880.

Senate Bill No. 168—An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books.

Senate Bill No. 409—An Act to add a new section to the Political Code, to be numbered section three thousand eight hundred and eighteen, relating to preferred purchasers for lands sold to the State for taxes.

Senate Bill No. 327—An Act for the remuneration of the Oregon Railway and Navigation Company, for merchandise lost in the Bay of San Francisco, by falling through a rotten wharf under the control of the Board of State Harbor Commissioners.

Senate Bill No. 636—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as section five hundred and thirty-nine.

Senate Bill No. 99—An Act to pay the claim of Enoch N. Strout.

Senate Bill No. 22—An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory.

Senate Bill No. 145—An Act to amend "An Act to establish a Civil Code," approved March 21, 1882, by adding a new section thereto, to be numbered section three hundred and sixty-three, relating to corporations.

Senate Bill No. 139—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending section seven hundred and ninety-one of said Code, relating to the appointment and number of Notaries Public in the several counties of this State.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 109—An Act to divide the State of California into two prison districts, for the purpose of reducing expense in the transportation of prisoners.

Mr. Yell moved to strike out the enacting clause.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Byrnes, Campbell, Crandall, De Long, Dixon, McComas, McDonald, McGowan, Mead, Moffitt, Pinder, White, and Yell—16.

NOES—Messrs. Britt, Caminetti, Conklin, Dargie, Dray, Fraser, Greely, Hamill, Heacock, Hinshaw, Langford, Roth, Sprague, Welch, and Williams—15.

Assembly Concurrent Resolution No. 11—authorizing and directing the distribution of five hundred copies of the State Engineer's Report on Irrigation to those who have contributed information for it, and otherwise facilitated its preparation.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Pinder, Roth, Welch, White, and Yell—27.

NOES—None.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused passage to Senate Bill No. 283—An Act to authorize the Board of Education of cities and counties in this State to sell school lots not necessary or desirable for school purposes.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to assessment of damages where the right of eminent domain is exercised.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Hamill, Jones, Langford, McComas, McDonald, Mead, Pinder, White, and Wilson—24.

NOES—Messrs. Conklin, Greely, Heacock, Hinshaw, McGowan, Roth, and Yell—7.

Title read and approved.

MOTION.

Mr. Murphy called attention to the fact that the enrollment of Assembly Bill No. 227 was incorrectly done, in such a way as to suggest that it had been intentionally tampered with. He moved the appointment of a special committee of three, to investigate the matter.

The motion was carried.

APPOINTMENT OF COMMITTEE.

The President pro tem. appointed as the special committee Messrs. Murphy, Campbell, and McGowan.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 152—An Act to prevent the sale of intoxicating liquors to persons addicted to the inordinate use of intoxicating liquors.

Read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, Mead, Moffitt, Pinder, Roth, Spellacy, Welch, White, Wilson, and Yell—29.
 NOES—None.

Title read and approved.

Assembly Joint Resolution No. 5—Memorializing Congress in regard to the disposition of public lands suitable only for grazing purposes.

To the Congress of the United States:

Your memorialist, the Legislature of the State of California in Senate and Assembly assembled, respectfully represent that the interests of the people will be subserved by a reclassification of the public lands, so as to make a distinct class of those large tracts which are wholly pastoral and not adapted to any use except grazing, and profitable for that only in larger tracts than the law at present permits to be acquired. These pastoral lands are either at such an altitude, or arid and impossible of irrigation, as to be useless for tillage. Their only value is in the natural grasses which they produce and which are being rapidly destroyed by overstocking. This overstocking is due to the desire of the owners of herds to get all they can off of land belonging to the Government; whereas, if it were opened in grazing tracts of suitable area, to private ownership, the preservation of its natural herbage and pasture plants would become a matter of private self interest, and this valuable means of maintaining the meat supply of the country would be perpetuated; we respectfully ask that Congress will give to this great pastoral interest the same opportunity to acquire lands fit only for its use, that has been given to the mineral, agricultural, and timber interests. In a few years if these pastoral lands are not conserved by private ownership they will be useless for grazing, because, whether their peculiar character is due to altitude or aridity, the renewal of plant growth after root and seed are destroyed is so slow that generations will go by before the lands will again support animal life. Your memorialist begs to represent the necessity of prompt consideration of this subject in order to preserve the sole value of vast areas of the public domain.

Resolved, That his Excellency the Governor of the State of California be requested to send a certified copy of this resolution to each of our Senators and Representatives in Congress and Congressmen and Senators elect.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, De Long, Dixon, Dray, Flint, Goucher, Greely, Jones, Langford, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, White, Wilson, and Yell—25.
 NOES—Messrs. Heacock, Hinshaw, and McComas—3.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 595—An Act to provide for the appointment of an Examining Commission on Rivers and Harbors, defining their duties and powers, and prescribing their compensation.

Read second and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Britt, Byrnes, Dargie, De Long, Dray, Flint, Fraser, Goucher, Greely, Hamill, Jones, Langford, McDonald, Mead, Meany, Moffitt, Spellacy, Sprague, Welch, Wilson, and Yell—23.
 NOES—Messrs. Briceland, Conklin, Dixon, Heacock, Hinshaw, McComas, Roth, and White—9.

Title read and approved.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 480—An Act to amend section two thousand two hundred and seventy-four of the Civil Code of the State of California, relating to the compensation of trustees.

Senate Bill No. 150—An Act to amend an Act to establish a Penal Code, relating to the crime of rape.

Substitute for Senate Bill No. 180—An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Senate Bill No. 626—An Act to regulate quarantine, and the admission of horses, cattle, sheep, and swine into the State of California, from infected districts.

Senate Bill No. 87—An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Senate Bill No. 405—An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to the Yosemite Valley.

Senate Bill No. 519—An Act to amend section two of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 394—An Act to amend section one hundred and sixty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage.

Senate Bill No. 444—An Act to enable incorporated cities and counties, and cities and towns, to acquire, maintain, and improve public parks and boulevards.

Senate Bill No. 109—An Act to amend section two thousand two hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf, Dumb, and Blind Asylum.

Senate Bill No. 23—An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

RESOLUTION.

By Mr. Welch:

Resolved, That W. S. O'Brien, as bookkeeper of the Sergeant-at-Arms, be and he hereby is allowed the sum of twenty-four (\$24) dollars for three days' services after the close of this session of the Senate, in closing up the accounts of the Sergeant-at-Arms' office and delivering the books to the Secretary of State, and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

Referred to Committee on Attachés, Contingent Expenses, and Mileage.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended, and passed as amended, Senate Bill No. 305—An Act to amend sections three hundred and fifty-nine and three hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof, and repealing section three hundred and six of said Code—and ask your honorable body to concur in said amendments.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

Assembly amendments to Senate Bill No. 305, as follows:

Amendment No. 1. Amend title so as to read as follows: "An Act to amend sections three hundred and fifty-nine and three hundred and three of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to the by-laws of corporations and the increase and diminution of the capital stock, and the creation, increase, and diminution of the bonded indebtedness thereof, and repealing section three hundred and six of said Code."

Amendment No. 2. Amend section one by striking from the first line thereof the words "section three hundred and fifty-nine," and insert in lieu thereof the following: "Sections three hundred and fifty-nine and three hundred and three;" also, strike out the word "is," line two, section one, and insert in lieu thereof the word "are."

Amendment No. 3. Page three, printed bill, line forty, insert after the word "or" and before the word "to" the words "the amount of the bonded indebtedness created or."

Amendment No. 4. Same page, line forty-one, strike out the words "created or."

Amendment No. 5. Same page, line forty-seven, after the word "be" and before the word "increased" insert the words "created or."

Add a new section to read as follows:

"Sec. 303. A corporation may, by its by-laws, where no other provision is specially made, provide for:

"1. The time, place, and manner of calling and conducting its meetings, and may dispense with notice of all regular meetings of stockholders or Directors.

"2. The number of stockholders or members constituting a quorum.

"3. The mode of voting by proxy.

"4. The qualifications and duties of Directors, and also the time of their annual election, and the mode and manner of giving notice thereof.

"5. The compensation and duties of officers.

"6. The manner of election and the tenure of office of all officers other than Directors; and,

"7. Suitable penalties for violations of by-laws, not exceeding in any case one hundred dollars for any one offense.

"8. The newspaper in which all notices of the meetings of stockholders or Board of Directors, notice of which is required, shall be published, which must be some newspaper published in the county where the principal place of business of the corporation is located, or if none is published therein, then a newspaper published in an adjoining county; *provided*, that when the by-laws prescribe the newspaper in which said publication shall be made, if from any cause at the time any publication is desired to be made the publication of such newspaper shall have ceased, the Board of Directors may, by an order entered on the records of the corporation, direct the publication to be made in some other newspaper published in the county."

Amendment No. 6. Add immediately at the end of section one, page three, printed bill, the following:

"Sec. 2. Section three hundred and six of said Code is hereby repealed."

Amendments concurred in by the following vote:

Messrs. Bowers, Briceland, Britf, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Langford, McComas, McDonald, Mead, Meany, Spellacy, Sprague, White, Williams, and Yell—25.

Senate Bill No. 305 ordered to enrollment.

Also, the following messages were received:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 336—An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 336 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate amendment to Assembly Concurrent Resolution No. 17—Relative to adjournment sine die of the twenty-eighth session of the Legislature.

Also, passed Assembly Bill No. 663—An Act to provide for the appointment of a Commission to investigate and report upon the subject of taxation in the State of California, and to appropriate money for the compensation of said Commission.

Also, adopted Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California.

ED. E. LEAKE, Chief Clerk.

By M. YAGER, Assistant Clerk.

MADE SPECIAL ORDERS.

Assembly Bill No. 663—An Act to provide for the appointment of a Commission to investigate and report upon the subject of taxation in the State of California, and to appropriate money for the compensation of such Commission.

Read first time, and made special order for eight o'clock P. M.

Assembly Constitutional Amendment No. 15 also made special order for eight o'clock P. M.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 574—An Act to provide for the erection at San Quentin State Prison a building for the accommodation of the insane prisoners. Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, McComas, McDonald, Mead, Meany, Moffitt, Roth, Sprague, White, and Yell—26.

NOES—None.

Title read and approved.

Assembly Bill No. 367—An Act relating to the time of the commencement of actions for the recovery of real property.

Mr. Crandall moved to strike out the enacting clause.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Bowers, Briceland, Caminetti, Conklin, Crandall, Dray, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Sprague, and White—18.

NOES—Messrs. Britt, Dargie, De Long, McDonald, Moffitt, Murphy, Spellacy, Williams, Wilson, and Yell—10.

REPORT OF SPECIAL COMMITTEE.

Mr. McGowan, from the special committee appointed to investigate the incorrect enrollment of Assembly Bill No. 227, verbally reported that they had inquired into the matter, and found that the original bill had clearly been altered, with a purpose to nullify its intent, by some person employed as a clerk of the Assembly, but they were unable to ascertain the identity of the person guilty of the forgery. They had notified the Speaker of the Assembly of the facts.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 656—An Act to provide for the payment for extra services performed by laborers and mechanics on the building of the State Normal School at Chico, and to appropriate money therefor.

Read third time, and passage refused by the following vote:

AYES—Messrs. Britt, Campbell, De Long, Hamill, McDonald, Meany, Moffitt, Murphy, Pinder, Spellacy, Sprague, Welch, and Williams—13.

NOES—Messrs. Boggs, Bowers, Briceland, Byrnes, Caminetti, Conklin, Crandall, Dixon, Dray, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Roth, White, and Wilson—19.

AN ERROR IN ENROLLMENT.

Mr. Sprague called attention to the fact that Senate Bill No. 484, as enrolled for presentation to the Governor, was incorrect, not being the bill actually passed, but another bill engrossed under that title, by mistake, and enrolled from the incorrect engrossed copy.

The enrollment of Senate Bill No. 484, heretofore made, was declared by the Senate erroneous, and Substitute for Senate Bill No. 484, being the bill passed by the Senate and Assembly, was ordered enrolled; and the Secretary was instructed to request the Governor to return the incorrectly enrolled bill laid before him.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 557—An Act making an appropriation for the salary of the bookkeeper of the State Treasurer for the fortieth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Hinshaw, Jones, Langford, McComas, McDonald, Meany, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, White, Williams, Wilson, and Yell—32.

NOES—None.

Title read and approved.

ADOPTION OF ASSEMBLY CONCURRENT RESOLUTION No. 16.

Assembly Concurrent Resolution No. 16—Relative to Yosemite Valley, in order that the falls may be preserved.

Resolved by the Assembly of the State of California, the Senate concurring. That our Senators at Washington be instructed, and our Representatives in Congress be requested to endeavor to secure the passage of an Act granting to the State of California the public lands comprised in the watershed that supplies water for the Yosemite Valley, in order that the falls may be preserved.

Resolved. That our Senators and Representatives also be requested to endeavor to secure such amendment of the Act of Congress granting the valley to the State as may be necessary to provide for the election by the Legislature of a Board consisting of three Commissioners to Manage the Yosemite Valley and Mariposa Grove of Big Trees, who shall be paid for their services and required to reside in the valley during the season when the valley is accessible to visitors, and to devote their time and services to the duties of their office.

Resolved. That the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

Adopted.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 281—An Act to recognize the Veterans' Home at Yountville as a State home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said home.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Greely, Hamill, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, White, Williams, and Wilson—27.

NOES—Messrs. Dray, Heacock, Hinshaw, Jones, Langford, McDonald, and Yell—7.

Title read and approved.

RECESS.

At six o'clock, on motion of Mr. Langford, the Senate took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.

President pro tem. S. M. White in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Briceland, Britt, Caminetti, Campbell, Conklin, De Long, Dixon, Dray, Greely, Hamill, Heacock, Jones, Langford, McComas, McDonald, McGowan, Mead, Murphy, Roth, Welch, White, Williams, Wilson, and Yell.

REPORT OF COMMITTEE ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Engrossment beg leave to report that the following Senate Bill has been correctly engrossed: Senate Bill No. 395 engrossed for enrollment.

HAMILL, Chairman.

Senate Bill No. 305 ordered to enrollment.

ADOPTION OF SENATE CONCURRENT RESOLUTION No. 22.

By Mr. McGowan: Senate Concurrent Resolution No. 22.

WHEREAS, Many portions of our Codes have, by the provisions of the new Constitution and laws enacted thereunder, become obsolete or inoperative; and whereas, statutes have been enacted during the last six or seven sessions of the Legislature which should be in form of sections to the Codes; and whereas, the law known as the "County Government Bill" should embrace therein a schedule of fees to be charged by officers for work done in their respective departments adapted to the desires of each county; therefore, be it

Resolved by the Senate, the Assembly concurring, That the Chairman of the Senate Committee on Judiciary and the Chairman of the Assembly Committee on Judiciary be and they are hereby authorized and requested to eliminate such provisions as have become obsolete or inoperative; to formulate into Code sections such statutes as are now in force which should properly be in the Codes; to recommend such amendments to the Codes as they may deem proper; to arrange the laws of California not included in the Codes into the following books:

1. General Laws;
2. Special Laws;
3. County Government Laws;
4. Municipal Corporation Laws;
5. Charters;

To cause the result of their labors to be printed and a copy of the same to be sent to each member of the next Legislature at least fifteen days before the meeting thereof, and to submit a report of the same to the Governor for transmission to the Legislature; be it further

Resolved, That the State Printer be and he is hereby requested to print such reports as are herein provided for, and that the Secretary of State furnish such stationery as said Chairmen may need in their work; be it further

Resolved, That said Chairmen be authorized to employ one clerk for such time as he may be needed by them, to receive the same compensation paid to a clerk of the Judiciary Committee, payable out of the Contingent Fund of the Senate and Assembly in equal portions.

Adopted.

CASES OF URGENCY—(RESUMED).

Mr. Yell in the chair.

Assembly Bill No. 15—An Act entitled an Act to amend section two thousand six hundred and fifty-two of the Political Code, relating to poll tax.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Briceland, Britt, Caminetti, Dargie, De Long, Dixon, Dray, Flint, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Mead, Meany, Murphy, Roth, Sprague, Williams, Wilson, and Yell—24.

NOES—Messrs. Moffitt and Pinder—2.

Title read and approved.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS, CONTINGENT EXPENSES, AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Attachés, Contingent Expenses, and Mileage, to whom was referred the following:

Resolved, That W. E. Duncan, Assistant Secretary of the Senate, be and he is hereby allowed the sum of fifty dollars, payable out of the Contingent Fund of the Senate, and the Controller is directed to draw his warrant on the Treasurer for the amount named, said sum being for services to be rendered under sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

The sum of sixty-five dollars, payable out of the Contingent Fund of the Senate, to the order of the Capital Ice and Coal Company, being in full for ice delivered to Senate.

Senate Chamber, bought of Capital Ice and Coal Company:

To three thousand pounds of ice from March first to March twentieth, inclusive, at one cent per pound.....	\$30 00
To three thousand five hundred pounds of ice, from February first to February twenty-eighth, inclusive, at one cent per pound	35 00

Approved: GEO. W. FAYLOR, per Fay.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted, with an amendment striking out the word "sixty-five" and inserting the word "sixty-two."

Adopted.

Also:

Senate of California to Mrs. Mains:

SACRAMENTO, March 13, 1889.

To washing of towels during time of Senate in session.....\$25 00

Approved: G. W. FAYLOR, per Fay.

Resolved, That the Controller is hereby directed to draw his warrant in favor of Mrs. Mains, payable out of the Contingent Fund of the Senate, for twenty-five dollars, being for washing towels during the session of Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

WHEREAS, The Sergeant-at-Arms will continue in the discharge of his duties for at least seven days after the adjournment of this Senate; and whereas, it is necessary to have a Porter during that period; therefore, be it

Resolved, That Charles Robinson be and he is hereby requested to continue as Porter of said department at the same per diem allowed during the session of this body, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized and directed to draw his warrant in favor of said Charles Robinson.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

Adopted.

Also:

WHEREAS, The Senate having adopted the following:

Resolved, That the Secretary of the Senate be and he hereby is directed to compile a Semi-weekly History of Senate Bills, Constitutional Amendments, and Concurrent and Joint Resolutions, to be issued on Monday and Thursday of each week; and that he be empowered to employ a competent person to perform said work, at a compensation to be hereafter fixed by the Senate.

Therefore, be it

Resolved, That the sum of four hundred (\$400) dollars be and is allowed Geo. W. Peckham, Secretary of the Senate, for the expenses incurred in complying with the foregoing resolution, and the Controller of State is hereby directed to draw his warrant for said amount, payable out of the fund for contingent expenses of the Senate, in favor of said Geo. W. Peckham, and the Treasurer is hereby directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted, with an amendment striking out the words "four hundred" and inserting the words "two hundred and fifty."

Adopted.

Also:

Resolved, That W. S. O'Brien, bookkeeper to the Sergeant-at-Arms, be and he hereby is allowed the sum of twenty-four (\$24) dollars for three days' services after the close of this

session of the Senate, in closing up the accounts of the Sergeant-at-Arms' office, and delivering the books to the Secretary of State; and the Controller is hereby directed to draw his warrant therefor on the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

WHEREAS, The duties of the Journal Clerk and his assistants, through the introduction of the voluminous charters, and the necessity of transcribing the San Diego charter recently introduced, and also for the purpose of comparing, ruling, and the general completion of the Journal and the delivery of the same to the Secretary of State, will consume at least fourteen days after the adjournment of this body; therefore, be it

Resolved, That Assistants Clough, Brown, and Maynard be and they are hereby allowed the same per diem as allowed during the session of this body for the said fourteen days, payable out of the appropriation for the contingent expenses of the Senate; and the Controller is hereby authorized and directed to draw his warrants in favor of said assistants, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Adopted.

Also:

Your committee desires to state that there is remaining in the Contingent Fund of the Senate, according to the books of the Controller's office, the sum of four thousand two hundred and ninety-three dollars and fifty-nine cents, exclusive of the amounts herewith recommended; that all bills against the Senate have been paid, and that there are no further legitimate claims outstanding against said fund. Your committee, therefore, having completed its somewhat arduous, exacting, and frequently annoying labors, beg to be discharged from the consideration of any further business.

MURPHY, Chairman.

WELCH.

DIXON.

FRASER.

RESOLUTIONS.

By Mr. Murphy:

Resolved, That all officers and attachés of the Senate are hereby required to deliver to the Sergeant-at-Arms all books, documents, stationery, keys, and other property belonging to the State before the sine die adjournment of the Legislature, and the Sergeant-at-Arms is hereby directed to withhold the last week's payment due to each person employed in any capacity by the Senate until presented by the Secretary of State with a certificate that said property has been so returned.

Adopted.

By Mr. Mead:

Resolved, That S. S. Ford, Second Assistant Sergeant-at-Arms of the Senate, be and he is hereby allowed the sum of one hundred and thirty-eight (\$138) dollars, payable out of the appropriation for the contingent expenses of the Senate, for services to be rendered after the final adjournment of the Legislature, pertaining to that office, and the Controller is hereby directed to draw his warrant for said sum, and the Treasurer is directed to pay the same.

The roll was called, and the resolution adopted by the following vote:

AYES—MESSRS. Banks, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Welch, Williams, Wilson, and Yell—22.

NOES—MESSRS. Caminetti, Campbell, Conklin, Heacock, Hinshaw, McComas, and Pinder—7.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint stenographers and physicians to make autopsies.

ED. E. LEAKE, Chief Clerk.

Senate Bill No. 624 ordered to enrollment.

MOTION.

Mr. Moffitt moved that no bills be considered after nine o'clock P. M., except bills already enrolled.

So ordered.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 243—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code, relating to mortgages of personal property.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, De Long, Dray, Flint, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Meany, Murphy, Pinder, Roth, Welch, Williams, Wilson, and Yell—29.
NOES—None.

Title read and approved.

Assembly Bill No. 379—An Act to authorize the Board of Fish Commissioners to dispose of the steam launch Governor Stoneman, and to replace it by two smaller boats, to be used as patrol boats.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Bowers, Briceland, Britt, Byrnes, Caminetti, Crandall, Dargie, De Long, Dixon, Dray, Fraser, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Moffitt, Murphy, Pinder, Roth, Welch, Williams, Wilson, and Yell—27.
NOES—None.

Title read and approved.

Assembly Bill No. 660—An Act to appropriate money for the payment of the salary of an additional clerk in the office of Register of the State Land Office.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Campbell, Conklin, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Mead, Meany, Murphy, Moffitt, Pinder, Roth, Williams, and Wilson—28.
NOES—Messrs. Crandall and Yell—2.

Title read and approved.

Assembly Bill No. 618—An Act to amend section three hundred and eighty-six of the Political Code, relative to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Mead, Meany, Murphy, Roth, Welch, Williams, Wilson, and Yell—28.
NOES—Messrs. Campbell and Langford—2.

Title read and approved.

MOTIONS.

Mr. Jones moved that Assembly Joint Resolution No. 7—Relative to unpaid claims against the United States—be made the special order for nine o'clock and thirty minutes P. M.

Mr. Jones moved the previous question.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Boggs, Briceland, Dargie, De Long, Flint, Greely, Hamill, Jones, Langford, McDonald, Murphy, and Williams—12.

NOES—Messrs. Bowers, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dixon, Dray, Fraser, Goucher, Heacock, Hinshaw, McComas, Mead, Roth, Sprague, Welch, Wilson, and Yell—20.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 101—An Act to amend sections one, five, seven, eight, ten, and eleven of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872.

Senate Bill No. 336—An Act to add a new section to the Political Code, to be known and designated as section three thousand four hundred and ninety-two, relating to the formation of reclamation districts.

Senate Bill No. 601—An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor.

Constitutional Amendment No. 6—To propose to the people of the State of California an amendment to the Constitution of the State, relative to the framing and adoption of charters by cities containing less than fifty thousand inhabitants.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

SPECIAL ORDER.

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Read third time.

Mr. Murphy moved a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Banks, Bowers, Britt, Caminetti, Dargie, De Long, Goucher, Jones, McDonald, Murphy, Spellacy, Welch, Williams, Wilson, and Yell—15.

NOES—Messrs. Boggs, Briceland, Campbell, Conklin, Crandall, Dixon, Dray, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, McGowan, Mead, Meany, Moffitt, Pinder, Roth, and Sprague—21.

Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

Passed by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Dargie, De Long, Dray, Flint, Goucher, Jones, McDonald, McGowan, Moffitt, Murphy, Pinder, Preston, Spellacy, Welch, White, Williams, Wilson, and Yell—23.

NOES—Messrs. Bowers, Campbell, Conklin, Crandall, Dixon, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Meany, Roth, and Sprague—16.

Title read and approved.

RESOLUTIONS.

By Mr. Wilson:

Resolved, That Assembly Bill No. 663 presents a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times and placed upon its passage.

The roll was called, and the resolution lost by the following vote:

AYES—Messrs. Banks, Boggs, Byrnes, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, McDonald, McGowan, Meany, Moffitt, Murphy, Pinder, Welch, Williams, Wilson, and Yell—20.

NOES—Messrs. Briceland, Heacock, Hinshaw, Langford, McComas, and Roth—6.

By Mr. Moffitt:

Resolved, That Assembly Bill No. 566 and Senate Bill No. 668, and each thereof, present a case of urgency, as that term is used in section fifteen of article four of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bills, and each thereof, be read the first, second, and third times, upon one day, and each thereof placed upon its passage.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, Jones, Langford, McComas, McGowan, Mead, Moffitt, Pinder, Roth, Spellacy, Welch, Williams, Wilson, and Yell—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 566—An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State, for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years.

Read first, second, and third times, and passed by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Langford, McComas, McDonald, McGowan, Meany, Moffitt, Pinder, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—32.

NOES—None.

Title read and approved.

Senate Bill No. 668—An Act to provide for the submission of such proposed amendments to the Constitution of the State of California as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California at the session thereof beginning on January 7, 1889, to the qualified voters of said State, at a general election to be held on the first Tuesday after the first Monday of November, 1890.

Read second and third times, and passed by the following vote:

AYES—Messrs. Banks, Boggs, Bowers, Briceland, Britt, Byrnes, Caminetti, Conklin, Crandall, Dargie, DeLong, Dixon, Dray, Flint, Fraser, Goucher, Heacock, Hinshaw, Jones, Langford, McComas, Meany, Murphy, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—30.

NOES—None.

Title read and approved.

RESOLUTION.

By Mr. Wilson:

Resolved, That a committee of three be appointed to act with a like committee from the Assembly, and wait upon the Governor and ask if there be any message which the Executive desires to communicate to the Legislature prior to adjournment sine die.

Adopted.

APPOINTMENT OF COMMITTEE.

The Chair appointed as such committee Messrs. Wilson, Jones, and Crandall.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

Resolved, That the Senate be requested to communicate with the Assembly relative to the condition of the Senate file, and whether the Senate has any further messages to communicate with the Assembly relative to the passage of Assembly Bills.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

MOTION.

Mr. Goucher moved that the Assembly be conferred with relative to the passage of bills upon the file, in conformity with message transmitted to the Senate.

So ordered.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 305—An Act to amend section three hundred and fifty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock, and the increase of the bonded indebtedness of corporations.

Also, Substitute for Senate Bill No. 484—An Act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate amendments to Assembly Bill No. 565—An Act to appropriate the sum of eighty thousand dollars for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California.

ED. E. LEAKE, Chief Clerk.
By M. YAGER, Assistant Clerk.

MOTION.

Mr. Moffitt moved that the Senate recede from the amendments to Assembly Bill No. 565.

The roll was called, and the motion prevailed by the following vote:

AYES—MRS. BANKS, Briceland, Britt, Dargie, De Long, Goucher, Hamill, McDonald, Moffitt, Murphy, Roth, Spellacy, Welch, Williams, and Yell—15.

NOES—MRS. BOWERS, Campbell, Conklin, Dixon, Flint, Fraser, Greely, Heacock, Hinshaw, Langford, McComas, Mead, Sprague, and White—14.

President pro tem. S. M. White in the chair.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendment to Assembly Bill No. 132—An Act to amend section one thousand two hundred and forty-eight of the Code of Civil Procedure of the State of California, relating to assessment of damages where the right of eminent domain is exercised.

Also, adopted Senate Concurrent Resolution No. 20—Memorializing Congress to hasten the completion of Oakland harbor, and to appropriate five hundred thousand dollars therefor.

Also, Senate Bill No. 426—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Senate Concurrent Resolution No. 20 ordered to enrollment.

Senate Bill No. 426 ordered to enrollment.

Whereupon President pro tem. Stephen M. White stated that in view of the fact that he and Hon. Jno. F. Swift, and Hon. G. A. Johnson, Attorney-General of California, had been heretofore employed and authorized by an Act of this Legislature to argue the Exclusion Act case, (Cause No. 1446, Oct. Session, 1888, Supreme Court of the U. S.), on behalf of this State, it became and was necessary for him to at once proceed to the City of Washington, D. C., to argue said cause. He thanked the Senators for their uniform kindness to him, and the Secretary and employes for their assistance, and the Senate consenting to his said absence, the President pro tem. called Senator Jones to the chair and proceeded to the discharge of his duty under said Act.

ELECTION OF ACTING PRESIDENT.

Mr. Jones in the chair.

The President pro tem. being absent, the first order of business was the election of an Acting President.

Mr. Goucher nominated Hon. Archibald Yell.

There being no further nominations, the roll was called, and Mr. Yell elected by the following vote:

AYES—Messrs. Banks, Boggs, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Mead, Moffitt, Murphy, Pinder, Roth, Spellacy, Welch, Williams, and Wilson—34.

NOES—None.

Mr. Yell then came forward and took the oath of office as Acting President, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Acting President to the best of my ability.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 15, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, appointed J. H. Barbour, Heber Ingle, and C. Alberti Harbor Commissioners for the Harbor of San Diego, and respectfully ask the consent of the Senate to the same.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, withdrawn the name of J. H. Barbour, as Harbor Commissioner for the Harbor of San Diego.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1889. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have, this day, appointed W. W. Stewart Harbor Commissioner for the Harbor of San Diego, vice J. H. Barbour, withdrawn, and respectfully ask consent of the Senate to the same.

R. W. WATERMAN, Governor.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day withdrawn the name of Heber Ingle as Harbor Commissioner for the Harbor of San Diego.

R. W. WATERMAN, Governor.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, appointed J. H. Barbour, Harbor Commissioner for the Harbor of San Diego, vice Heber Ingle, withdrawn, and respectfully ask the consent of the Senate to the same.

R. W. WATERMAN, Governor.

ACTION UPON THE GOVERNOR'S APPOINTMENTS.

Upon the question, "Will the Senate advise and consent to the appointment of J. H. Barbour as Harbor Commissioner for the Harbor of San Diego?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Hamill, Heacock, Hinshaw, Jones, McComas, McDonald, McGowan, Meany, Pinder, Roth, Spellacy, Welch, Williams, Wilson, and Yell—31.

NOES—None.

Whereupon, the Acting President announced the appointment of J. H. Barbour, as Harbor Commissioner, duly confirmed.

Also:

Upon the question, "Will the Senate advise and consent to the appointment of C. Alberti as Harbor Commissioner of the Harbor of San Diego?" the roll was called with the following result:

AYES—MESSRS. Banks, Boggs, Britt, Byrnes, Caminetti, Campbell, Crandall, Dargie, De Long, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Welch, Williams, Wilson, and Yell—30.

NOES—MESSRS. Goucher and Pinder—2.

Whereupon, the Acting President announced the appointment of C. Alberti, as Harbor Commissioner, duly confirmed.

Upon the question, "Will the Senate advise and consent to the appointment of W. W. Stewart as Harbor Commissioner of the Harbor of San Diego?" the roll was called, with the following result:

AYES—MESSRS. Banks, Boggs, Britt, Byrnes, Campbell, Crandall, Dargie, Dixon, Dray, Flint, Fraser, Greely, Hamill, Heacock, Hinshaw, Jones, Langford, McComas, McDonald, McGowan, Meany, Murphy, Roth, Spellacy, Welch, Williams, Wilson, and Yell—28.

NOES—Mr. Goucher—1.

Whereupon, the Acting President announced the appointment of W. W. Stewart, as Harbor Commissioner, duly confirmed.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled:

Senate Bill No. 624—An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 162. An Act to provide for the purchase of a portrait of the late Washington Bartlett by the State Board of Examiners, and to appropriate money therefor.

ED. E. LEAKE, Chief Clerk.
By H. HART, Assistant Clerk.

Senate Bill No. 162 ordered to enrollment.

REPORT OF SENATE COMMITTEE ON YOSEMITE VALLEY.

WHEREAS, Charges of mismanagement and misappropriation of public funds, on the part of the Commission to Manage Yosemite Valley and Mariposa Big Tree Grove, has been made by the public press; and whereas, great expense has been caused by subpoenaing witnesses and sending after witnesses who, by reason of their age and circumstances, were unable to attend, we, your committee, feel that a report in accordance with the facts is due to the Senate, stating our findings from the evidence taken in the investigation.

After a careful examination of all the witnesses who appeared, and a careful consideration of the testimony adduced on examination and cross-examination, we find that nothing more—than a difference of opinion existed between some witnesses and the Yosemite Commissioners, as to the best method of management of the affairs of the valley—appears to your committee. In nearly every case, the witnesses disagreed one with the other about the best mode. Some thought the Commissioners allowed too many fences; while others thought the fences were an improvement, as the land where fenced was kept clear of brush and undergrowth, thereby producing grass in largely increased quantities. Some of the witnesses said too many trees had been cut; others testified that none were cut without the best of reasons, and that more underbrush should be cut. In no case was corruption on the part of the Commissioners proved or even charged by the witnesses. Some of the witnesses said hints had been thrown out by others, and in most of the cases of this kind they had even forgotten who talked to them. The investigation was given a very wide scope at the request of the Commissioners, and no reason appears for the attacks of the press on the Commissioners, who seem to have carried out their best judgment. We believe that well meaning people (some of whom never saw the valley) were imposed upon by irresponsible parties and cranks, whom no sort of management would satisfy. The tolls collected in the valley (which the present appropriation to purchase roads will abolish), and tolls on roads leading to the valley, has caused more trouble and complaint than any other or all other things. Some witnesses complained about exclusive privileges, but those complaints came, in most cases, from parties who wanted the same privileges or leases themselves; and while your committee don't pretend to say that the Board of Commissioners did the best that could be done, and possibly made serious errors, there has been but little testimony taken before your committee to justify the enormous expense incurred in investigating charges that in most of the cases looked into were frivolous in the extreme.

Your committee has not the time to cite all the cases that in their judgment warrant the above report, as the mention of one selected case would necessitate going over all the testimony, which has been ordered printed and to which we refer to substantiate our report.

Senator Boggs not having attended the meetings of the committee, could not report understandingly.

Respectfully submitted.

FRASER,
ROTH,
HAMILL,
BYRNES,
WILSON,
Committee.
MEANY,
Chairman.

SPECIAL REPORT.

SENATE CHAMBER, SACRAMENTO, March 16, 1881.

To the honorable the Senate of the State of California:

As a member of the committee appointed to investigate the charges made against the management of the Yosemite Valley and Mariposa Big Tree Grove, it was my intention to present as fully as I could my views with reference to the subject. The extraordinary exertion made necessary by the pressure of public business has rendered it impossible for me to make any report such as I would care to present to the public, and I find the time I had set apart for the purpose of preparing a synopsis of my views rendered unavailable

by sudden sickness, so that at this moment, on the eve of my departure, I am compelled to dictate a few words indicative of my conclusions.

I have not paid any specific attention to the management of the Yosemite Valley prior to the last three or four years, but I have seen enough to make me believe that there was a time when the sub-committee of the old Board, composed of Dr. Briggs and two others acting as a committee, controlled affairs in the valley, in quite an unbusinesslike manner. This remark may be too sweeping, but I think otherwise from certain instances brought before the committee, which showed a total failure upon the part of the sub-committee to act upon the advice of the Commission, or even to report their proceedings *in extenso*, but there is no testimony tending to show any corruption on the part of either of the gentlemen connected with this valley. I do not agree with the charge that great injustice was done the Leidig family. I derive this impression not only from evidence taken before the committee, but from information derived from Mr. Leidig himself.

This may be to some extent outside the record, but such investigations are necessarily hurried, and for that reason are unsatisfactory, but Mr. Leidig's own admission ought to be of some value. I am pretty positive of my conclusion in this regard.

The question as to whether there should be other hotels in the valley is not easy of solution, unless upon personal investigation of the place itself; yet I think there ought to be a hotel where persons of moderate means might be able to obtain cheap accommodations, which cannot now be fully supplied. This would, no doubt, necessitate appropriations, in addition to those which have been made. The exclusive privileges complained of have been justified upon the ground of the better service afforded the public. Perhaps I am prejudiced against exclusive privileges, and that, therefore, my views upon this branch of the case are not entitled to great weight; but if I were managing the valley for the public, I would not consider it prudent to place myself in a position where I might be charged with favoritism in the interest of one who was given a right which could not be enjoyed by another.

As to the question of fencing the valley and cutting the trees I have only this to say, that I do not consider wire fences as "things of beauty," and to trim a pine tree so as to make it, though not so designed, to conform as nearly as possible with a caryatid, is not evidence of artistic skill. Yet, as I am not an artist, I may be mistaken in this respect. I do not feel able to pass upon this matter thoroughly until I can examine the valley carefully, in view of the testimony.

I have heard Messrs. Robinson's and Dennison's statements with reference to the alleged burglary, and I must say that if Mr. Dennison is not to be entirely exonerated from all blame, certainly no turpitude should attach to his good name. He gave his evidence in a straightforward manner, and I do not believe the facts before the committee warrant any aspersion upon him.

I cannot say whether the Commissioners acted wisely in making the lease of the Stoneman House to Mr. Cook, for the reason that he was engaged in other enterprises closely connected with the hotel business, and was thus given an advantage which may have been inconsistent with the best public service. I do not know, for the evidence was not adequate to authorize a conclusion, that the hotel should have been leased to any one who actually made a bid.

I favor purchasing new roads into this valley. I believe that other improvements should be made. Yosemite is one of the greatest, if not the greatest, attraction of California, and the State, instead of detracting from, should add to its charms. It was undisputed, as far as the testimony is concerned, that thirty years ago, in the days when the Indians held possession, the place was much more attractive than at present. While there is much in our civilization to condemn, I nevertheless think that we are ahead of the Indian, and that some scheme can be devised by which the beauties of this wonderful portion of the State can be preserved.

Much has been said about Senator Goucher in this matter. He has been on the Commission but a very short time. During that term he succeeded in procuring for laborers, who were compelled, contrary to law, by the then Commission, to work ten hours for eight hours' pay. He also caused an unreasonable restriction, before imposed, to be removed from Mrs. Glynn, and that good lady is now enabled to board a number of people in accordance with her desires. She should never have been forced to labor under the rules imposed by the Commissioners, who, until Mr. Goucher interfered, forbid her boarding more than two persons. The testimony of Senator Goucher disclosed that there are several features of the management which might be improved, and several notable defects in the conduct of valley affairs, and I am satisfied that he will do what he can to bring about the needed reforms. The parties who made the charges (against the management) received information from which they could justly draw the inference that the accusations were well founded, and it is better for the State, and for the future of Yosemite, that this investigation has been had.

The present Secretary of the Commission certainly ought to be commended for the accuracy of his work.

There is no man upon this Commission, or who has been connected with it, who is not perfectly honest, and I only regret that in making this report I am unable to fully consider the controversy in all its features, and to discuss it from personal inspection of the ground.

Respectfully submitted.

STEPHEN M. WHITE

Said report was filed before the departure of Mr. White as hereinbefore mentioned.

MOTIONS.

Mr. Jones moved the previous question upon the adoption of the committee report on Assembly Concurrent Resolution No. 5.

Mr. Caminetti moved to adjourn.

Lost.

Upon the question, "Shall the previous question be now put?"

Mr. Caminetti moved to take a recess for ten minutes.

Mr. Jones raised point of order that the motion to take a recess during the pendency of the previous question.

Point of order declared not well taken.

Mr. Jones appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the decision of the Senate?" the roll was called with the following result:

AYES—Messrs. Bowers, Briceland, Britt, Byrnes, Caminetti, Campbell, Conklin, Crandall, De Long, Dixon, Dray, Flint, Fraser, Goucher, Greely, Heacock, Hinshaw, McComas, McGowan, Mead, Moffitt, Pinder, Roth, Spellacy, Welch, and Williams—26.

NOES—Messrs. Jones, Langford, Meany, and Wilson—4.

Upon the question of taking a recess for ten minutes, the ayes and noes were demanded by Messrs. Jones, Fraser, and Caminetti.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Caminetti, Campbell, Conklin, Crandall, Dray, Heacock, and McComas—7.

NOES—Messrs. Boggs, Bowers, Briceland, Britt, Dargie, De Long, Flint, Fraser, Goucher, Greely, Hamill, Hinshaw, Jones, Langford, McDonald, McGowan, Mead, Moffitt, Pinder, Roth, Spellacy, Welch, Williams, and Yell—25.

Mr. Caminetti moved to take a recess for fifteen minutes.

Mr. Britt moved to lay the motion on the table.

The roll was called on the motion to lay on the table, and the motion carried by the following vote:

AYES—Messrs. Britt, Dargie, Dray, Fraser, Greely, Hamill, McComas, McDonald, McGowan, Mead, Moffitt, Roth, Sprague, and Williams—14.

NOES—Messrs. Briceland, Caminetti, Campbell, Conklin, Crandall, Heacock, Jones, Welch, Wilson, and Yell—10.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 16, 1889. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have, this day, approved Senate Bill No. 605—An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 603—An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889.

Also, Senate Bill No. 606—An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor.

Also, Senate Bill No. 604—An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor.

Also, Senate Bill No. 565—An Act to provide compensation to George R. B. Hayes for professional services rendered the State of California at the request of the Governor and Attorney-General.

Also, Senate Bill No. 659—An Act to repeal an Act entitled "An Act to incorporate the City of Monterey, approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866."

Also, Senate Bill No. 87—An Act to reimburse the members of Company "C," Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor.

Also, Senate Bill No. 150—An Act to amend an Act entitled "An Act to establish a Penal Code," relating to the crime of rape.

R. W. WATERMAN, Governor.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bills have been correctly enrolled:

Senate Bill No. 126—An Act to amend section one thousand two hundred and forty-six of the Penal Code, relating to appeals to the Supreme Court in criminal cases.

Also, Senate Concurrent Resolution No. 20—Memorializing Congress to hasten the completion of Oakland harbor, and to appropriate five hundred thousand dollars therefor.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MOTIONS.

Upon the question, "Shall the previous question be now put?"

Mr. Caminetti moved a call of the Senate.

The ayes and noes were demanded by Messrs. Campbell, Heacock, and Caminetti.

The roll was called, and the motion lost by the following vote:

AYES—MESSRS. Caminetti, Campbell, Conklin, Crandall, Dixon, Heacock, Hinshaw, McComas, Moffitt, and Pinder—10.

NOES—MESSRS. Boggs, Bowers, Briceland, Britt, De Long, Dray, Flint, Fraser, Greely, Langford, McDonald, McGowan, Meany, Murphy, Roth, Spellacy, Sprague, and Yell—18.

The question being, "Shall the previous question be now put?" the roll was called, and the previous question ordered by the following vote:

AYES—MESSRS. Bowers, Briceland, Britt, De Long, Dixon, Flint, Goucher, Greely, Hamill, Jones, Langford, McDonald, Meany, Moffitt, Murphy, Roth, Sprague, and Wilson—18.

NOES—MESSRS. Campbell, Conklin, Crandall, Dargie, Dray, Fraser, Heacock, McComas, McGowan, Pinder, Spellacy, Welch, and Yell—13.

POINT OF ORDER.

Mr. Campbell raised the point of order that the hour of adjournment had arrived and passed, and moved that the Senate adjourn sine die.

Point of order declared not well taken.

Mr. Campbell entered his protest against the proceedings, and asked that it be entered in the Journal.

PUTTING OF MAIN QUESTION.

The question being, "Shall the main question be now put?" the roll was called, with the following result:

AYES—MESSRS. Boggs, Bowers, Briceland, Britt, Dixon, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Wilson, and Yell—20.

NOES—MESSRS. Caminetti, Campbell, Conklin, Crandall, Dargie, De Long, Dray, Flint, Heacock, McComas, McGowan, Mead, Pinder, Welch, and Williams—15.

PROTEST.

I hereby protest against the vote being taken on this report, because the Legislature, twenty-eighth session, is now adjourned sine die, the hour of eleven o'clock and thirty minutes P. M. being now passed.

ASSEMBLY JOINT RESOLUTION No. 7.

WHEREAS, A special joint committee was appointed under Assembly Concurrent Resolution No. 5, adopted January 25, 1889, to examine into and report upon all matters relative to the unpaid claims of this State against the United States, etc.; and whereas, said committee has submitted a report in writing thereon; therefore, be it

Resolved by the Assembly of California, the Senate thereof concurring. That said report be approved, and the same be and is now hereby adopted.

Upon the adoption of Assembly Joint Resolution No. 7—Relative to unpaid claims against the United States—the roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Boggs, Bowers, Briceland, Britt, Dargie, De Long, Dixon, Flint, Fraser, Goucher, Hamill, Hinshaw, Jones, Langford, McDonald, Mead, Meany, Moffitt, Murphy, Roth, Spellacy, Sprague, Welch, Williams, Wilson, and Yell—26.

NOES—Messrs. Caminetti, Conklin, Crandall, Dray, Heacock, McComas, and Pinder—7.

PROTEST.

I protest against this body transacting any further business, owing to the fact that the hour of adjournment sine die, viz.: eleven o'clock and thirty minutes P. M., having passed.

A. CAMINETTI.

The Acting President ruled in connection with the protest filed by Mr. Caminetti that the hour for adjournment had arrived, that such is not the fact, the time not having arrived, so far as the timepiece used by the Acting President is concerned, for the hour of adjournment.

RESOLUTION.

By Mr. Britt:

Resolved. That the Journal Clerk of the Senate, Jesse A. Galland, be added to the resolution, adopted this day, relative to fourteen days' services after the adjournment of this body.

Adopted.

REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

To the President of the Senate:

Your committee appointed to investigate the management of the State Engineer's office, pursuant to recommendation of the Controller of State, respectfully report as follows: Since the appointment of said committee the Senate has been in session such long hours, both night and day, that the committee has had no opportunity to investigate the supposed irregularities in the State Engineer's office. Your committee, therefore, is unable to present a satisfactory report. It is due, however, to state that so far as our limited inquiries have gone, we have no evidence of dishonesty on the part of the State Engineer, or on the part of any one connected with that office. We therefore ask that said committee be discharged.

Respectfully submitted.

GOUCHER, Chairman.

Mr. White, prior to his departure hereinbefore mentioned, submitted the following report, which was concurred in by Mr. Goucher:

To the honorable the Senate of the State of California:

The committee appointed to investigate the charges against the management of State Prison affairs were very much hampered in their exertions by the extreme brevity of time allowed them, and the pressure of other business. Personally I attended many of the meetings, and examined the Warden and others.

The investigation about to be held by the Governor ought to bring the facts more prominently before the public. I believe that while the Warden of San Quentin Prison, General McComb, has much executive ability, and has placed the penitentiary in a very attractive condition, that yet it is not conducted as contemplated by the Constitution. Two of the Directors, men of undoubted honesty, have, in my judgment, been ignored by

their associates, and the patronage pertaining to the office has been distributed among party managers, where it was thought it would do the most good to the Warden and his immediate friends. There is much evidence, in the nature of circumstances, as well as some positive declarations, that a combination to this end existed in the Board of Directors. Two of the number never got any of the patronage, nor did they have any knowledge of the method employed in its distribution. The letters of General McComb prove that he was in favor of always putting things, to use his own language, in "exhibition shape." In several of his communications he betrayed great anxiety lest his books should be investigated. This, he says, was for the purpose of stimulating his particular friend, Mr. Chambers, or, as he declares, it was in the nature of an application of "ginger" to that subordinate. As these two gentlemen are very intimate friends, I am disposed to think that the confidential statements passing between them were intended to be understood as they were stated, and were meant in the ordinary acceptation. The remarkable similarity of the items contained in the page which was in some way taken from the copy book, and another page which was left there, as to the nature of work done and expenses incurred, and the equally singular variation in the sums stated opposite these items, evinced a character of bookkeeping suggestive, at least of the grossest carelessness. That the items were not intended to be mere estimated values of assets, is sufficiently shown by the item regarding the new house, which is humorously called "an annex." This house is charged at less than its actual cost (because I am convinced that it cost over \$3,000), and yet the estimate, as appearing in the pages mentioned, is not based upon the mere value of the house, for it is certainly worth, as stated by Mr. McComb, \$5,000. Nothing that the committee was able to do could procure figures which showed the cost of the "annex." A system of bookkeeping which so results is not to be commended, and would not be permitted in an ordinary corner grocery properly conducted.

It might be remarked parenthetically that the new house was called an "annex," so that the money expended on it could be spent under the head of general repairs, in the same sense that the Palace Hotel was a repair of the Grand. My views are, in general, similar to those reached by the Assembly Committee, except as otherwise stated here.

Judging from General McComb's remarks with reference to Chaplain Hill, I do not think he considers the moral side of prison management particularly important.

Whether a night shift in the jute mill is or is not profitable I cannot say. The evidence before the committee was not conclusive either way. I believe that the great water-power being developed at Folsom should be utilized, so that our prisoners may manufacture at least one half of the grain bags used in this State, and that such bags should be sold to the farmer at a very small profit. I might remark that I think the time will come when public sentiment will require useful trades to be taught the convicts, though at present sentiment seems to be in the opposite direction. I do not mean that servile labor of that or any other sort should be brought in competition with the honest, struggling Caucasian, but the criminal should be instructed so that upon his emancipation he might be of use to the community and not a source of suspicion to the people and an occasion of watchfulness to peace officers.

This report has been dictated in the greatest haste. I conclude by expressing the belief that the prison should be governed by three paid Directors.

Respectfully submitted.

STEPHEN M. WHITE.

I fully concur in the conclusions reached in the foregoing report.

G. G. GOUCHER,
Chairman Committee on Prisons and Prison Buildings.

RESOLUTION.

By Mr. Goucher:

WHEREAS, This session of the Legislature is about to adjourn sine die, and this Senate thereby is upon the verge of passing into history; and whereas, the Senators have ever, during this session, been mindful of the extreme kindness, courtesy, and general efficiency of the attachés; therefore, be it

Resolved, That the Senators at this session of the Legislature extend their profound and grateful thanks to the attachés for the reasons hereinbefore indicated.

Resolved, That these resolutions be spread upon the minutes, and recorded in the Journal.

Adopted.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed Messrs. Mathews, Brierly, and Whitehurst to act with a like committee from the Senate, to wait upon the Governor and ascertain if he has any further communication to make to the Legislature.

ED. E. LEAKE, Chief Clerk.

REPORT OF COMMITTEE ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 16, 1889.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that the following Senate Bill has been correctly enrolled: Senate Bill No. 162—An Act to provide for the purchase of a portrait of the late Washington Bartlett, by the State Board of Examiners, and to appropriate money therefor.

And have, this day, delivered the same to the Governor.

MEAD, Chairman.

MESSAGE FROM THE ASSEMBLY.

A committee from the Assembly appeared and announced that the Assembly was prepared to adjourn, having no further communications.

MOTIONS.

Mr. Bowers moved that the Journals of Wednesday, Thursday, Friday, and Saturday stand approved.

So ordered.

On motion of Mr. Goucher, that a committee of three be appointed to wait upon the Assembly and ascertain if that body had any further business to transmit to the Senate, the Chair appointed Messrs. Goucher, Bowers, and Langford.

The committee verbally reported that the Assembly had no further communication to transmit to the Senate.

ADJOURNMENT SINE DIE.

Whereupon, at eleven o'clock and thirty minutes p. m., in pursuance to concurrent resolution adopted by both Houses of the Legislature, the Senate adjourned sine die.

W. E. BIDWELL, Minute Clerk.
JESSE A. GALLAND, Journal Clerk.

G. W. PECKHAM, Secretary.
J. J. MCCARTHY, Asst. Sect'y.
J. H. CORCORAN, Asst. Sect'y.
W. E. DUNCAN, Asst. Sect'y.

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19	An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 2080, relating to the impeachment of witnesses. Caminetti.....	26		
20	An Act to repeal an Act entitled "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887. Campbell.....	26		
21	An Act to amend Sections 1352 and 1370, and to amend Section 1751 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to disabilities of married women. Crandall.....	26	245	
22	An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory. Dargie.....	26	562	993
23	An Act making an appropriation for the payment of a discount on warrants for water supplied to the State Prison at San Quentin by the Marin County Water Company for the thirty-fifth, thirty-sixth, and thirty-seventh fiscal years, under contract with the State. De Long.....	26	511	995
24	An Act to amend Sections 1113, 1129, 1131, 1142, 1144, 1192, 1203, 1212, 1225, 1226, 1227, 1242, 1257, and 1358 of an Act of the Legislature of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections. Dray...	27		
25	An Act to amend Section 49 of "An Act to establish a Penal Code," approved February 14, 1872, relating to elections. Dray..	27		
26	An Act making appropriations for the purchase of an electric plant, pump and pipes, sewer pipe, necessary wheels for utilizing the water of the American River for power purposes, and the erection of a power building for the State Prison at Folsom, and other expenses incidental and relating thereto. Dray....	27		
27	An Act to provide for the improvement of the Capitol grounds, located at Sacramento, and to appropriate money therefor. Dray.....	27	250	825
28	An Act to add a new section to the Penal Code, to be known as Section —, relative to hotels, inns, restaurants, boarding houses, and lodging houses. Dray.....	27	226	568
29	An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts. Dray.....	27	463	
30	An Act to provide for the appointment of a State Board of Drainage Commissioners, to define their duties, to provide for the organization and government of drainage districts, and for the construction of works to improve the drainage of the several districts, and to appropriate money for the use of the State Board of Drainage Commissioners. Dray.....	27		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
31	An Act to provide for the grading and graveling of that portion of Fifteenth Street, between L and N Streets, in the City of Sacramento, adjoining the State Capitol grounds, and to provide for the payment of the same. Dray	27	214	823
32	An Act to provide for the resignation or removal of judicial officers in this State in certain cases, and to provide for the compensation of persons who may resign or be removed from a judicial office, as herein provided, for the balance of the term for which such persons or person may have been elected or appointed. Flint	27		
33	An Act to declare when a vacancy exists in any elective or appointive office, Board, or Commission, of any county, city and county, township, or municipality, and to provide for filling the same. Yell	28	684	
34	An Act to make an appropriation for the support and maintenance of the State Mining Bureau for the forty-first and forty-second fiscal years. Goucher	28	392	806
35	An Act regulating the form of requisitions for stationery made by the members of the Legislature and the officers and employes thereof, upon the Secretary of State. Heacock	28		
36	An Act to amend Sections 3, 6, 8, and 12 of "An Act to create and establish a State Board of Horticulture, and to appropriate money for the expenses thereof," approved March 13, 1883, and to add five new sections to said Act, to be known as Sections 14, 15, 16, 17, and 18, and to repeal Sections 7 and 8 of said Act, and to appropriate money for the use of the State Board of Horticulture. Heacock	28		
37	An Act to amend Section 1054 of the Code of Civil Procedure. Jones	28	113	560
38	An Act to add a new section to the Penal Code of the State of California, to be numbered Section 593, relating to barbed wire fences on public highways. Jones	28	431	
39	An Act to amend Section 963 of the Code of Civil Procedure of the State of California. Jones	28	216	792
40	An Act to amend Section 635 of the Penal Code, relating to violations of the law for the preservation of fish. Jones	28		
41	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a section thereto, to be known as Section 1056, and to amend Section 1057 of said Act, relating to sureties on undertakings and bonds. Jones	28	216	935
42	An Act to amend Section 1951 of the Code of Civil Procedure, relating to instruments acknowledged, or proved and certified, or the original record thereof, or copies of the record thereof, being read in evidence without further proof. Jones	28	161	562
43	An Act to establish a uniform system of fees of office in the State of California, and to repeal all Acts and parts of Acts inconsistent therewith. Jones	28		
44	An Act to add a new section to the Code of Civil Procedure, to be known as Section 729, relating to the sale of mortgaged premises by a commissioner. Jones	28	162	
45	An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury. Jones	29		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
46	An Act to provide for the payment by municipalities of claims arising out of the improvement of streets, sidewalks, and sewers therein. Jones	29		
47	An Act to add a new section to the Political Code, to be known as Section 1889, relating to the cancellation of school district bonds. McComas	29	245	
48	An Act to provide for the payment of the claim of Colonel W. B. Burtis, for special services performed by him as Second Lieutenant, Company "F," Second Infantry Regiment, Second Brigade, National Guard of California, pursuant to Special Orders No. 26, Series 1880. McDonald	29	516	655
49	An Act to appropriate money to pay the claim of N. P. Perine for furnishing granite and statuary for the Napa State Asylum for the Insane, and for labor performed on said asylum under written contract. McDonald	29		
50	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding new sections thereto, to be known respectively as Sections 540, 541, and 542. Moffitt	29		
51	An Act to amend Section 2114 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the Assistant Adjutant-General of the State of California, and equalizing the same with the salaries paid the deputies for other State officers, and appropriating money for the payment thereof. Moffitt	29	488	900
52	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 537. Moffitt	29		
53	An Act to appropriate \$12,888 89 to pay the salary of the Commissioner of Immigration, from October 10, 1885, to January 1, 1889. Moffitt	29		
54	An Act to appropriate \$2,500 to pay the salary of the Deputy Commissioner of Immigration from August 1, 1883, to October 1, 1885. Moffitt	29	704	
55	An Act making an appropriation for the deficiency in the appropriation for the pay of Stenographer to Railroad Commission for the thirty-ninth and fortieth fiscal years. Moffitt	29	352	557
56	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Sections 2959 and 2960, and by repealing Section 2965. Moffitt	29		
57	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 539. Moffitt	30		
58	An Act entitled "An Act to regulate the licensing and powers of detectives within the boundaries of the State of California." Moffitt	30		
59	An Act entitled "An Act to enable John Hackett, as assignee, to sue the State of California." Moffitt	30	489 978	664
60	An Act to establish a State School of Industry, and to provide for the organization and government thereof, and the making of appropriation therefor. Moffitt	30		
61	An Act to regulate the hours of labor and employment of minors and females. Moffitt	30		199

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
62	An Act to create a Police Relief and Pension Fund in the several counties, cities and counties, cities, and towns of the State. Murphy	30	590	669
63	An Act to amend an Act entitled "An Act to support and establish a Bureau of Labor Statistics," approved March 3, 1883 Murphy	30	224	206
64	An Act relating to life and casualty and annuity or endowment insurance on the assessment plan, and the conduct of the business of such insurance. Murphy	30		
65	An Act making an appropriation to pay the deficiency in the appropriation for the use of the State Board of Forestry for the thirty-eighth fiscal year. Murphy	30	246	328
66	An Act to amend Sections 3, 5, 6, 7, and 9 of an Act entitled "An Act entitled an Act to provide for the protection of lands from overflow other than lands recognized as swamp land," approved April 15, 1880. Greely	30	510	875
67	An Act to amend Section 266 of the Penal Code. White	30	225	
68	An Act to amend Chapter I, Title IX, Part I, of the Penal Code, by adding two new sections thereto, numbered, respectively, 268 and 269. White	30	244	327
69	An Act to amend Section 1110 of the Penal Code. White	30	259	
70	An Act to repeal an Act entitled "An Act to punish seduction," approved March 17, 1872. White	31	259	
71	An Act to amend Section 1 of an Act entitled "An Act relating to foreign corporations." White	31		
72	An Act to amend Section 802 of the Penal Code. White	31	245	
73	An Act to amend Section 1422 of the Penal Code. White	31		
74	An Act to amend Sections 811, 812, 813, and 814 of the Penal Code. White	31	259	
75	An Act to promote correct conveyancing. White	31		
76	An Act to amend Section 1469 of the Code of Civil Procedure. White	31	246	
77	An Act to amend Sections 1235 and 1238 of the Penal Code. White	31	246	
78	An Act to provide for law libraries in the counties of the State and library funds therefor, and to secure the use of said law libraries to the Courts held in the State, and to the Bar and to the people of the respective counties. White	31		
79	An Act to amend Article VI, Chapter II, Title VIII, of the Civil Code, by adding thereto a new section, to be known as Section 2290. White	31		
80	An Act to amend Section 1161 of the Code of Civil Procedure. White	31	246	
81	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1863 thereof, relative to the lighting of hotels, lodging houses, and boarding houses. Williams	31		
82	An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention. Williams	31	953	1004

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
83	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Jones	31	216	935
84	An Act to authorize the State Board of Harbor Commissioners to construct railroads over State lands and lands within their jurisdiction along the waterfront line of the City and County of San Francisco. Murphy	33	681	996
85	An Act to authorize the State Board of Harbor Commissioners to execute leases of land belonging to the State, within their jurisdiction and control. Murphy	34		
86	An Act entitled an Act to amend Section 1315 of the Political Code, fixing the time for the meeting of the Presidential Electors. Wilson	34	35	33
87	An Act to reimburse the members of Company C, Sixth Regiment of Infantry, Third Brigade, National Guard of California, located at the City of Fresno, for moneys expended by them for uniforms and outfits, and appropriating money therefor. Goucher ..	36	312	1004
88	An Act to amend Section 3062 of and to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to Boards of Health. Briceland	36		
89	An Act to amend Section 3084 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the interment or cremation of human bodies. Briceland	36	323	374
90	An Act to amend Section 378 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to preservation of the public health and safety and registration of births, deaths, and marriages. Briceland	37	283	
91	An Act to amend Sections 3077, 3078, 3080, and 3082 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the registry of births, deaths, and marriages. Briceland	37	323	
92	An Act to encourage and provide for a general vaccination in the State of California. Briceland	37	323	374
93	An Act to amend Section 377 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the disposal of human dead bodies, and preservation of the public health. Briceland	37		
94	An Act entitled an Act to amend the Political Code of the State of California, by adding Sections 2984 and 2985 thereto. Briceland	37		
95	An Act to appropriate money to prevent the introduction of contagious and infectious diseases. Briceland	37		
96	An Act entitled "An Act to amend Section 753 of the Political Code of the State of California, in relation to the disposition of fees collected by the Clerk of the Supreme Court, and to the Supreme Court, and to the Supreme Court Library Fund." Byrnes	37	954	
97	An Act to repeal Section 328 of the Code of Civil Procedure of the State of California. De Long	37		
98	An Act to amend Section 2294 of the Political Code, relating to the office of State Librarian. Fraser	37	280	
99	An Act to pay the claim of Enoch N. Strout. Fraser	37	609	998

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
100	An Act to authorize the Controller of State to issue a duplicate Controller's warrant. Dray-----	37		
101	An Act to amend Sections 1, 5, 7, 8, 10, and 11 of an Act entitled "An Act to provide for the redemption of the funded indebtedness of the City of Sacramento," approved March 25, 1872. Dray.	37	773	1002
102	An Act to amend Section 3748 of the Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to place where taxes may be paid. Dray-----	37	539	873
103	An Act to provide for walk and driveway in the State Capitol grounds, and to appropriate money therefor. Dray-----	38	282	825
104	An Act amending Section 660 of the Civil Code, prescribing what are fixtures. Pinder-----	38		
105	An Act relating to the trial of actions for divorce. Pinder-----	38	353	
106	An Act to provide for the safety of persons against danger from machinery, elevators, and neglect of proper safeguards. Pinder-----	38		
107	An Act to appropriate money to pay the claim of William Gutenberg for mechanics' tools and property destroyed at the Branch State Prison at Folsom. Pinder-----	38	488	791
108	An Act to amend Section 27 of an Act of the Legislature of the State of California entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, the said section relating to the power to license by the Boards of Supervisors of counties. Greely-----	38		
109	An Act to amend Section 2281 of an Act entitled "An Act to establish a Political Code," approved March 21, 1872, in relation to the office of Treasurer of the Deaf, Dumb, and Blind Asylum. Moffitt-----	38	215	1003
110	An Act to amend Section 3442 of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the question of fraudulent intent as affecting conveyances of realty, and relating to transfers of property without consideration. White.	38	260	
111	An Act to provide for the deficiency in the appropriation for the salary of the Deputy Reporter of the decisions of the Supreme Court during the first eleven months of the thirty-ninth fiscal year. White-----	38	246	408
112	An Act to amend Section 167 of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the fifth class. White-----	38		
113	An Act to amend Section 172 of an Act entitled "An Act to establish a Civil Code," approved March 1, 1872, relating to the husband's control of community property. White-----	38		
114	An Act to amend Section 1951 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the proof of the contents of instruments by the record, and by a certified copy of the record thereof. White-----	39		
115	An Act to provide for the appointment of a Board of Examining Engineers, to license engineers of portable and stationary steam engines and boilers, to establish the duties and compensation of said Board. Britt-----	42	685	
116	An Act making an appropriation to pay the claim of Thos. W. O'Neill. Goucher-----	42	215	581

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
117	An Act to define, regulate, and govern the State Prisons of California. Goucher.....	42		
118	An Act to divide the State of California into two prison districts, for the purpose of reducing expenses in the transportation of prisoners. Langford.....	42		
119	An Act to amend the Political Code of the State of California by adding thereto a new section in relation to reassessments of property in cases where a former assessment is invalid. Langford.....	42		
120	An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Stockton for the thirty-ninth and fortieth fiscal years. Langford.....	42		
121	An Act to add a new section, to be known as Section 475, to the Political Code, in regard to the appointment of and fixing the salary of a clerk for the Attorney-General, and to appropriate money for the payment of his salary. Langford.....	42	512	959
122	An Act to increase the number of clerks, for the limited period of four months, commencing during the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerks. Langford.....	42		
123	An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of Supervisors in their general supervision over the roads within their respective counties. Langford.....	42		
124	An Act making appropriation for a deficiency in the appropriations for the salary of the Secretary of the State Engineer for the thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth fiscal years. Langford.....	42	435	610
125	An Act authorizing the Controller of State to cancel, from his General Fund account against the State Treasurer, the sum of \$3,306 72. Langford.....	42		
126	An Act to amend Section 737 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salaries of Superior Judges. Boggs.....	42		
127	An Act to regulate the practice of veterinary medicine and surgery in the State of California. Williams.....	43		
128	An Act to amend Section 2979 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the duties of the State Board of Health. Williams.....	43		
129	An Act entitled an Act for the relief of Gregory Valerro. Williams.	43	609	803
130	An Act to add a section to the Political Code, to be known as Section 3899 a, providing for reassessments whenever from any cause any tax or assessment shall be declared invalid or void. Heacock.....	43		
131	An Act to add a new section to the Political Code, to be known as Section 3899 b, providing for supplementary assessments whenever any person, or corporation, or property shall have been omitted from any tax assessment or assessment roll. Heacock.	43		
132	An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire. Heacock..	43		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
133	An Act to amend Section 4104 of the Political Code, by providing the number of Justices of the Peace and Constables to be elected in the townships and incorporated towns and cities within the counties, not including cities and counties, within this State. Heacock	43		
134	An Act authorizing school districts, cities, cities and counties, or incorporated towns in the State of California to furnish the children of their respective public schools with the free use of school text-books. Campbell	43		
135	An Act authorizing and empowering the Boards of Supervisors of the several counties of this State to prevent and eradicate infectious and contagious diseases among sheep, to provide for the appointment of a Sheep Commissioner, and defining the duties of such Commissioner. McGowan	43	583	927
136	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the treasury into which there must be paid the net proceeds of actions prosecuted by the Harbor Commissioners for the Port of Eureka, and amending Section 2569 of said Code. McGowan	43	295	665
137	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the compensation and expenses of the Harbor Commissioners for the Port of Eureka. McGowan	43	296	665
138	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to applicants for primary county certificates, and the studies in which said applicants shall be examined. McGowan	44		
139	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 791 of said Code, relating to the appointment and number of Notaries Public in the several counties of this State. McGowan	44	282	967
140	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the depositing of sawdust in the waters of this State. McGowan	44	323	
141	An Act to regulate bonds to be given for costs before issue of summons in actions for damages, and providing that in certain cases summons may issue without bond being given, and making counties liable for costs in certain cases. Bowers	44		
142	An Act to amend Section 1191, and to repeal Sections 1188, 1189, and 1190 of the Political Code, relating to election tickets and ballots. Bowers	44		
143	An Act directing the transcription of all matters of record in the offices of the County Clerks and County Recorders of the Counties of Fresno and Merced, concerning real estate in the territory taken from those counties and added to that of the County of San Benito by Act of the Legislature entitled "An Act to amend an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change and the establishment of the boundaries thereof, the same to include therein portions of the Counties of Fresno and Merced, and to provide for the payment of the portions of the indebtedness of said counties, equitably chargeable to San Benito County, approved March 11, 1887. Flint	44	313	744
144	An Act to appropriate money for the completion and furnishing of the building of the Northern Branch State Normal School, at Chico. Jones	44	312	611

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
145	An Act to amend "An Act to establish a Civil Code," approved March 21, 1882, by adding a new section thereto, to be numbered Section 363, relating to corporations. Jones.....	44	261	1003
146	An Act to amend Sections 1257, 1258, and 1259 of the Political Code of the State of California, relating to counting of ballots at elections, and ascertaining, recording, and returning the results thereof. Jones.....	44		
147	An Act to amend Section 670 of the Code of Civil Procedure, relating to what constitutes a judgment roll. Jones.....	45		
148	An Act to regulate the sale, rental, and distribution of waters supplied to cities and counties, cities, and towns, and to the inhabitants thereof. Hamill	45	523	790
149	An Act to add a new section to the Penal Code, to be known and designated as Section 556, relating to the collection of illegal water rates. Hamill	45		
150	An Act to amend an Act to establish a Penal Code, relating to the crime of rape. Conklin	45	683	1001
151	An Act to amend Sections 3746, 3756, 1358, 3764, 3797, 3799, and 3800 of "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, to be known as Section 3757, relative to the collection of property taxes. Crandall.	45		
152	An Act entitled "An Act to establish a Code of Civil Procedure," approved March 12, 1872. Crandall	45	431	
153	An Act to amend Section 2211 of the Political Code of the State of California, relating to the commitment of persons to the insane asylum, approved March 12, 1872. Crandall.....	45		
154	An Act authorizing the formation of township mutual insurance companies, regulating the transaction of their business, and defining the duties of the officers thereof. McGowan.....	45	435	
155	An Act to amend Section 361 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the consolidation of corporations. Dargie.....	45		
156	An Act to amend Section 1313 of the Civil Code of the State of California, relating to wills. Dargie.....	45	604	
157	An Act to repeal Sections 1093, 1094, 1186, and 1191 of the Civil Code of the State of California, relating to acknowledgments of married women. Dargie.....	45	605	
158	An Act to amend Section 1187 of the Civil Code of the State of California, relating to conveyances by married women. Dargie.	46	605	
159	An Act to amend Section 172 of the Civil Code of the State of California, relating to the disposition of community property. Dargie	46		
160	An Act to provide improvements for the Deaf, Dumb, and Blind Asylum. Dargie.....	46		
161	An Act to provide for the payment of Controller of State's warrants that shall have been lost or destroyed before being paid by the State Treasurer. Dargie	46	433	
162	An Act to provide for the purchase of a portrait of the late Washington Bartlett, by the State Board of Examiners, and to appropriate money therefor. Moffitt	46	283	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
163	An Act to pay the claim of Richard O'Connor for the permanent injury to his horse. Britt.....	51		
164	An Act to provide for the conduct of elections, and to more fully secure the independence of electors and the secrecy of the ballot. Goucher.....	54		
165	An Act to add a new section to an Act entitled "An Act to establish a uniform system of county and township governments," approved March 18, 1885, and March 17, 1887, said section to be numbered 219, and to fix a per diem and mileage for and to provide for the payment thereof of witnesses in criminal trials and proceedings in the Superior Courts. Campbell.....	54		
166	An Act to fix the salaries of the Superior Court Judges, and provide the time of payment. Campbell.....	54		
167	An Act to amend an Act entitled "An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing certain books of a State series of school text-books, and appropriating money therefor," approved March 15, 1887. Murphy.....	54		
168	An Act to provide for compiling, illustrating, electrotyping, printing, binding, copyrighting, and distributing an elementary book on civil government for the State series of school text-books. Preston.....	54	312	996
169	An Act to establish an industrial training school in each county, city, or city and county of the State of California, to provide an appropriation for its organization, and a fund for maintaining such training school. Caminetti.....	54	865	
170	An Act establishing a Court for the investigation of claims against the State of California, defining its jurisdiction, regulating its procedure, and appropriating money therefor. Caminetti.....	54		
171	An Act to amend Section 10 of the Code of Civil Procedure, relating to legal holidays. Caminetti.....	54	352	567
172	An Act to amend Section 7 of the Civil Code, relating to holidays. Caminetti.....	54	352	567
173	An Act to amend Section 10 of the Political Code, relating to legal holidays. Caminetti.....	54	352	567
174	An Act to amend Section 397 of the Code of Civil Procedure, relating to change of place of trial. Caminetti.....	54	387	
175	An Act making an appropriation to pay the salary of an additional clerk to the Superintendent of Public Instruction for the fortieth fiscal year. Caminetti.....	55		
176	An Act making an appropriation to pay the claim of W. F. Purnell. Caminetti.....	55	417	829
177	An Act to amend Section 2655 and to repeal Sections 2652 and 2671 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, all of said sections relating to road taxes. Caminetti.....	55		
178	An Act to provide for the filing of claims against the State of California, taking of testimony thereon, and to define the duties of the Governor, Attorney-General, Controller, and committees of the Legislature in relation thereto. Caminetti.....	55	704	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
179	An Act to amend Sections 1517, 1520, 1521, 1532, 1543, 1544, 1552, 1565, 1577, 1578, 1581, 1614, 1617, 1620, 1636, 1639, 1650, 1651, 1663, 1665, 1687, 1696, 1699, 1712, 1768, 1770, 1771, 1772, 1773, 1775, 1817, 1858, 1859, 1869, 1873, 1880, and to repeal Sections 1580, 1582, 1594, 1612, 1618, 1787, 1788, 1789, 1790, 1791, 1792, 1793 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the public schools. Caminetti	55		
180	An Act to repeal an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878. Langford	55	896	999
181	An Act authorizing the cancellation of the amount of the receipts given by W. A. January, ex-State Treasurer, to various County Treasurers, for school money left on deposit with him, aggregating the sum of \$53,752 71. Langford	56	67	
182	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883. Boggs	56		
183	An Act to amend Section 2137 of the Political Code, relating to the powers and duties of the Board of Directors of the Insane Asylum at Stockton. Briceland	56	558	825
184	An Act to appropriate money for the relief of J. C. Doherty. Dargie	56		
185	An Act to provide for the purchase of a portrait of his Excellency R. W. Waterman by the State Board of Examiners, and to appropriate money therefor. Dargie	56	417	
186	An Act regulating the charges of telephone companies, and of corporations and individuals operating telephones and telephone lines. Byrnes	56		
187	An Act to appropriate money to pay the claim of John C. Edgar, ex-Sheriff of the County of San Mateo, for delivering certain insane persons at the Insane Asylum at Stockton for the twenty-fifth fiscal year. Byrnes	56	462	958
188	An Act to amend Sections 654, 655, and 679 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the State Board of Examiners, its meetings and duties, and to add to said Act seven new sections, to be known and numbered as 684, 685, 686, 687, 688, 689, and 690, relative to the State Board of Examiners, and fixing the salaries of the members of the said Board and its employes, and defining the powers and duties of said Board, and making appropriations for traveling expenses. Moffitt	56	951	
189	An Act authorizing and providing for the erection and furnishing of armories for the National Guard of the State of California, and to issue bonds for the payment of the same, and providing for the payment of said bonds. Moffitt	56		
190	An Act entitled an Act to establish a branch insane asylum for the insane of the State of California at Ukiah, to be known as the Mendocino State Insane Asylum, and appropriating money therefor. Yell	56	285	328
191	An Act to amend Sections 1912, 1962, 1990, 2006, 2007, 2018, 2022, 2065, 2066, and 2078 of, and to add new sections, to be known as Sections 2026, 2031, 2101, and 2105, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the National Guard of California. Yell	57	281	792

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
192	An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the government of counties and the powers of Boards of Supervisors. McGowan.....	57		
193	A bill for an Act to be entitled "An Act to amend an Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887. Murphy.....	61		
194	A bill for an Act to be entitled "An Act to provide for a permanent site for the California Home for the Care and Training of Feeble-Minded Children, and to erect suitable buildings thereon. Murphy.....	61	487	560 679
195	An Act to add a new section to the Civil Code, to be numbered 3474, and to amend Section 3471 of said Code, all in relation to assignments for the benefit of creditors. Goucher.....	64		
196	An Act to amend Section 4161 of the Political Code, approved ———, in relation to deposits of public moneys. Heacock.....	64		
197	An Act to amend Sections 799 and 800 of the Penal Code, relating to the limitation of time within which prosecution for murder, the embezzlement of public moneys, and the falsification of public records must be commenced. Roth.....	64	586	
198	An Act to authorize the establishment of county high schools, and provide for their support. McGowan.....	64		
199	An Act providing for the payment to D. Jordan for work and labor performed upon and material furnished in the construction of the State Prison at Folsom. Spellacy.....	65		
200	An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-ninth fiscal year. Hamill.....	65		
201	An Act to provide for the deficiency in the appropriation for salaries of the Secretaries to the Justices of the Supreme Court for the fortieth fiscal year. Hamill.....	65		
202	An Act to provide for the deficiency in the appropriation for salaries of Secretaries to Justices of the Supreme Court for the thirty-eighth fiscal year. Hamill.....	65		
203	An Act making an appropriation to pay the claim of W. E. Doan. Dray.....	65	418	558
204	An Act appropriating money for the erection of buildings at the Industrial Home of Mechanical Trades for the Adult Blind. Dargie.....	65	525	742
205	An Act to amend an Act entitled "An Act establishing an Industrial Home of Mechanical Trades for the Adult Blind of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$65,000 for the support of said Home," approved March 17, 1887. Dargie.....	65	512	821
206	An Act to appropriate the money now in the treasury of the State of California, known as the "Adult Blind Fund, Unavailable." Dargie.....	65	511	821
207	An Act to create a Police Court in and for the City and County of San Francisco, State of California. Murphy.....	65	586	657
208	An Act to amend Sections 47 and 48 of the Civil Code of the State of California, relating to libel and slander. Yell.....	65		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
209	An Act to establish a Police Court in and for the City of Marysville. Greely	65	392	928
210	An Act authorizing the Boards of Supervisors of the several counties of this State to declare innavigable streams highways for the floating of logs and timber, and provide for the improvement and use of the same. Jones	65	518	646
211	An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties. Moffitt.....	65	633	676
212	An Act appropriating money to pay the deficiency in the appropriation for the traveling expenses of the State Board of Equalization for the thirty-ninth fiscal year. Jones	71	601	742
213	An Act to encourage immigration. Jones	71		
214	An Act to add three new sections to the Penal Code, to be known as Sections 299, 300, and 301, respectively, relative to Sunday amusements where liquors are sold, and keeping open places of business on Sunday. Jones	71		
215	An Act to appropriate money to pay the claim of Bartolo Sepulveda, his executors, administrators, or assigns, for unlawful imprisonment. Jones	71		
216	An Act to amend Section 2168 of the Civil Code of the State of California. Jones.....	71		
217	An Act to authorize and empower the Board of Fish Commissioners to remove certain obstructions in the American River, for the passage of fish up said stream and its tributaries, and appropriating money therefor. Jones.....	71	311	669
218	An Act providing for the enlarging, strengthening, and improving of the State Printing Office building. Dray	73	283	825
219	An Act to grant to the Regents of the University of California the north one half of section 16, township 7 south, range 3 east, Mount Diablo meridian. Moffitt.....	78		
220	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 497 thereof, relating to street railroad corporations. Moffitt.....	79		
221	An Act appropriating the sum of \$229,000 for the erection of additional buildings for the use of the chronic insane, to appropriate funds therefor, and to provide for the expenditure of the same. Conklin	79		
222	A bill to regulate and control the sale of intoxicating liquors. McComas	79	959	
223	An Act to amend Section 1658 of the Code of Civil Procedure of the State of California, and to add two new sections to said Code, to be numbered Sections 1702 and 1703, respectively, referring to the title of property after distribution of estates, and providing for additional powers to Judges of the Superior Court sitting as Judges of Probate. Caminetti	79	525	
224	An Act to amend Section 362 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872. Jones	79	416	
225	An Act relating to life insurance upon the natural premium plan. Jones	79	632	
226	An Act making an appropriation to pay the claims of Trustees of the Northern Branch State Normal School. Meany.....	79	418	558

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
227	An Act making an appropriation to pay the claim of C. C. Rochford. Meany	79	418	
228	An Act making an appropriation to pay the claim of N. P. Cole & Co. Meany	79	419	
229	An Act making an appropriation to pay the claim of S. W. Raveley. Meany	79	419	580
230	An Act making an appropriation to pay the claim of Ben. Cohen. Meany	79	419	580
231	An Act making an appropriation to pay the claim of A. A. Bennett. Meany	79	419	580
232	An Act making an appropriation to pay the claim of William Gutenberger. Meany	79	419	581
233	An Act making an appropriation to pay the claim of J. J. Lynch. Meany	79	432	558
234	An Act making an appropriation to pay the claim of C. M. Bumbaugh. Meany	79	432	558
235	An Act making an appropriation to pay the claim of James Touhey. Meany	80	432	558
236	An Act making an appropriation to reimburse the Japanese Government for money in the capture and extradition of Calvin Pratt, a fugitive from justice of this State. Meany	80	432	
237	An Act making an appropriation to pay the claim of J. F. Gawthorne, stenographer of the State Board of Railroad Commissioners. Meany	80		
238	An Act making an appropriation to pay the claim of John A. Cole. Meany	80	433	557
239	An Act making an appropriation to pay the claim of Charles E. Hughes. Meany	80	433	557
240	An Act making an appropriation to pay the claims for draping the State Capitol on the occasion of the death of the late Governor Bartlett. Meany	80	433	557
241	An Act to provide for the correction and establishment of a portion of the eastern boundary line of the State of California, and to appropriate money therefor. Goucher	80		
242	An Act regarding the collection of licenses, fees, charges, impositions, and taxes from life insurance companies, organized under the laws of any State or country other than the State of California, and the making of statements, publications, certificates of authority, and the compelling of deposits of securities on the part of such companies. Crandall	80		
243	An Act relating to life and casualty insurance on the assessment plan, and the conduct of the business of such insurance. Crandall	80		
244	An Act to amend Section 626 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. McGowan	80	434	
245	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to contracts between husband and wife and regarding the presumptions attending the conveyance of property to a married woman. White	80		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
246	An Act to amend, so as to make more specific, the section numbered 1388 of the Penal Code of California, relating to the probationary treatment of juvenile offenders. Bowers	80		
247	An Act to further provide for the care and guardianship of homeless, neglected, or delinquent minors. Bowers	80		
248	An Act entitled "An Act to authorize the Board of State Capitol Commissioners to provide a suitable residence for the Governor of the State, and to appropriate money therefor." Goucher.....	115	773	
249	An Act to amend Section 2645 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the powers and duties of Road Overseers. Goucher.....	115	512	925
250	An Act to create a Commission, provide for its management, select and appoint the members thereof, and to appropriate funds for an exhibit of the products of the State of California at London, England. Goucher.....	116		
251	An Act to pay the claim of Joseph N. Vera. Jones	116	756	970
252	An Act to amend Sections 498 and 508 of the Civil Code, relating to street railroads. Spellacy	116		
253	An Act to amend Section 635 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. Wilson	116		
254	An Act entitled "An Act to prevent persons entering upon lands of another, in the State of California, for the purpose of shooting, or hunting, or fishing, or discharging firearms, or lighting campfires thereon." Wilson	116		
255	An Act to amend Section 633 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. Wilson	116	488	
256	An Act to amend Section 2467 of the Political Code, relative to charges for towage. Welch	116	878	
257	An Act to amend the Penal Code by adding a new section thereto, to be known as Section 308, relative to the sale of or furnishing of tobacco and manufactures of tobacco to persons under sixteen years of age. McComas	116	606	
258	An Act to add a new section to the Penal Code, to be known as Section 1615, to protect the registration of thoroughbred cattle and other domestic animals. Dray	116		
259	An Act making an appropriation for the deficiency in the appropriation for the necessary expenses of the State Board of Health for the thirty-ninth fiscal year. Briceland.....	116	583	742
260	An Act in relation to the taxation of banks. Hinshaw	116		
261	An Act for the relief of the widow and minor children of James Saultry, for personal injuries received by him while in the service of the State, and which resulted in his death. De Long.....	116		
262	An Act relating to life, casualty, and endowment insurance on the assessment plan, and the conduct of the business of such insurance. Dargie	116		
263	An Act to authorize the Board of Supervisors of the City and County of San Francisco, State of California, to pay the claim of Alice Kenna and James Wildridge Kenna. McDonald.....	117		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
264	An Act to amend Section 3381 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to retail liquor licenses. Fraser.....	117		
265	An Act to amend an Act entitled "An Act to authorize corporations to own and improve the lots and houses in which their business is carried on," approved April 1, 1876. White.....	117	415	668
266	An Act to amend Sections 2524, 2528, and 2552 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the San Francisco Harbor and State Harbor Commissioners. Spellacy.....	120	561	934
267	An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 12, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880. Spellacy.....	120	559	1003
268	An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885. White.....	152		
269	An Act to create the County of Glenn, to establish the boundaries thereof, and to provide for its organization. Meany.....	157		
270	An Act providing for the payment to Louisa Koehler of damages for the loss of her husband, Herman Koehler, killed by a prisoner in the State Prison at San Quentin, California. Meany....	157		
271	An Act to amend Section 4371 of the Political Code of the State of California, relative to taxation for municipal purposes. Heacock.....	157		
272	An Act to prevent the sale of cigarettes and tobacco to minors. Heacock.....	157		
273	An Act providing for an additional Superior Judge for the County of San Luis Obispo, and providing for his appointment and salary. Heacock.....	157	201	295
274	An Act to amend an Act entitled "An Act to establish a Penal Code," for the purpose of preventing bathing in waters which are to be used by the inhabitants of any city, city and county, or town in this State. Crandall.....	159	954	
275	An Act to amend Section 358 of "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations and to cases where corporations shall be deemed to have forfeited the right to exercise corporate powers, and providing that such forfeiture may be shown collaterally. White.....	159		
276	An Act to amend Section 491 of the Penal Code of the State of California, relative to dogs and the larceny thereof. Pinder ..	159	433	
277	An Act to appropriate the sum of \$2,000 to pay the rent incurred for armory, debt, and other expenses by the Colusa Guard, Fifth Brigade, National Guard of California. Jones.....	159		
278	An Act to appropriate \$50,000 for the erection of a monument commemorative of the services of Rodman M. Price, and to provide for the investment of said sum, and the payment of the interest thereon. Jones.....	159		
279	An Act to amend Chapter XI, Title XI, Part III, of the Code of Civil Procedure, by the addition thereto of an article consisting of four new sections relating to testamentary trusts and trustees. Wilson.....	159	.977	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
280	An Act to appropriate money to pay the claim of E. M. Gallagher for painting and glazing the Napa State Asylum for the Insane, which work was performed on said asylum under written contract. Wilson.....	159	511	796
281	An Act for the relief of George Nightingale, Michael Ryan, John H. Davis, Bernard Ward, Ellen Burdett, John Wrixon, Michael O'Neil, Margaret Coogan, Elizabeth Overend, Bridget F. Houston, Timothy Murphy, James McGeough, James Hartford, Ellen J. McArevey, and Eliza Kelleher, whose houses have been destroyed by blasting and excavating Telegraph Hill, in the City and County of San Francisco, for rock and earth with which to construct the State seawall along the Port of San Francisco, in the State of California. Pinder.....	159		
282	An Act to declare the bridge across Feather River, extending from Fifth Street, of the City of Marysville, County of Yuba, to the opposite bank of said river, a free bridge. Greely.....	159	633	798
283	An Act to authorize the Board of Education of cities and cities and counties in this State to sell school lots not necessary or desirable for school purposes. Murphy.....	159	590	
284	An Act to authorize the Board of State Harbor Commissioners to pay the claim of Michael Cread. Murphy.....	160	609	
285	An Act entitled "An Act to appropriate money to pay the claim of Mrs. J. G. Lemmon, as Commissioner of Women's Department at the New Orleans World's Industrial and Cotton Centennial Exposition, from November 15, 1884, to June 15, 1885." Mead.....	160	602	827
286	An Act to amend Section 1032 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of Clerks of the Superior Court with relation to the testimony taken and filed in divorce cases. Jones.....	161	282	
287	An Act to provide for fitting up in the basement of the Capitol a moisture-proof, fire-proof, and burglar-proof vault, for the storage and care of the archives of the State officers, for the appointment of a Keeper of the Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto. Goucher.....	169	311	826
288	An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors, in less quantities than five gallons. Meany.....	169		
289	An Act to provide funds for the erection and maintenance of State waterworks. Caminetti.....	169		
290	An Act to submit to the vote of the people of the State of California the question of creating and maintaining State waterworks for irrigation and other beneficial uses. Caminetti.....	169		
291	An Act to create the State Board of Water Commissioners, and prescribing its duties and powers. Caminetti.....	169	952	
292	An Act to create the County of Orange, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county. McComas.....	169		
293	An Act to amend Section 303 of the Civil Code, relating to the by-laws of corporations. Sprague.....	169	877	

Number	TITLE	Introduced	Passed Senate	Passed Assembly
294	An Act to amend an Act entitled "An Act to amend Sections 2, 4, 6, 7, and 8 of an Act entitled 'An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State,' approved April 15, 1880, so as to create certain additional districts," approved March 9, 1887, by amending and revising Section 1 of said Act. Fraser	169		
295	An Act to provide for the maintenance, support, and discharge in certain cases of insane persons confined to the State Asylums for the Insane, and for the control and management of a resulting contingent fund. Langford	169	434	924
296	An Act for the relief of I. G. Wickersham for moneys expended in the matter of the extradition of Ang Tai Duck. De Long ...	169	585	828
297	An Act to restrict gaming. Heacock	170		
298	An Act to provide for the payment of the claim of R. C. Ball, as architect of the State Prison at Folsom, and to appropriate money for purpose of such payment. Goucher	170		
299	An Act to amend Section 343 of the Political Code, relating to the number and designation of the civil executive officers of the State. Jones	170	560	913
300	An Act to appropriate money for the payment of the salary of an additional clerk in the office of Register State Land Office, and the salary of a Recording Clerk in the office of the Secretary of State, for the fortieth fiscal year. Jones	170		
301	An Act to amend Sections 3 and 4 of an Act entitled "An Act in relation to the care of orphan and abandoned children," approved March 7, 1884, relating to the care, custody, and guardianship of such children. White	170		
302	An Act to amend Section 1313 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to devises for charitable uses. White	170		
303	An Act to amend Sections 1186 and 1187 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, regarding conveyances by married women and the acknowledgment thereof. White	170		
304	An Act to amend Section 164 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to property acquired after marriage. White	171	434	999
305	An Act to amend Section 359 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the increase or diminution of the capital stock, and the increase of the bonded indebtedness of corporations. White	171	582	1017
306	An Act entitled an Act to amend Section 303 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the by-laws of a corporation. White	171		
307	An Act to amend Section 738 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Jones	171		
308	An Act to amend Section 738 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Jones	171		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
309	An Act to provide for the deficiency in the appropriation for the payment of armory rents, purchase of uniforms, and other expenses of the National Guard for the thirty-ninth and fortieth fiscal years. Yell.....	175	282	796
310	An Act to provide for the payment of funded indebtedness of the State of California, and to contract a funded debt for that purpose. Moffitt.....	176		
311	An Act making an appropriation to carry into effect the provisions of an Act entitled "An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose." Moffitt.....	176		
312	An Act to amend Section 738 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Jones.....	183		
313	An Act to amend Section 1582 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Jones.....	183		
314	An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose. Wilson.....	183		
315	An Act to amend Section 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. Wilson.....	183		
316	An Act providing conditions upon which moneys appropriated out of money in the State Treasury for aid of the State Agricultural Society, or of any District Agricultural Society, can be drawn from the State Treasury. Conklin.....	183	582	
317	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2209 thereof, in relation to damages awarded when telegraph messages are refused or postponed. Williams.....	183		
318	An Act to provide for the appointment of a State Veterinary Surgeon, to prescribe his duties, and fixing his compensation. Boggs.....	183		
319	An Act making an appropriation to pay the claims against the State of California, incurred under an Act entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887. De Long.....	183		
320	An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and approved March 17, 1887. Preston.....	184		
321	An Act to amend Section 452 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the duties of the State Treasurer. Preston.....	184	927	
322	An Act to amend Sections 2457, 2464, 2465, and 2466 of the Political Code, relating to pilots and pilot regulations. Spellacy.....	184		
323	An Act to amend Section 379 of the Penal Code, relating to contracts between pilots and steam tug corporations.....	184		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
324	An Act to amend Section 7 of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, and amended by Act approved March 9, 1887, so as to create a new district. Byrnes	184		
325	An Act to appropriate money for the improvement of the grounds and the erection of an iron fence around the monument erected by the State to the memory of James W. Marshall. Fraser.....	184		
326	An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1885, and March 17, 1887, relating to the duties and powers of Boards of Supervisors. McGowan.....	184		
327	An Act for the remuneration of the Oregon Railway and Navigation Company, for merchandise lost in the Bay of San Francisco by falling through a rotten wharf under the control of the Board of State Harbor Commissioners. Moffitt.....	184	584	999
328	An Act to prohibit runners, cappers, and solicitors for attorneys at law in and about Police Courts and prisons in incorporated cities and cities and counties. Moffitt	184		
329	An Act to enlarge the State Library by purchasing and adding thereto a Library of History of the Pacific Coast, and to make an appropriation for said purchase. Moffitt.....	184		
330	An Act to repeal an Act entitled "An Act to authorize corporations to own and improve lots and houses in which their business is carried on," approved April 1, 1876. Committee on Judiciary	187	416	
331	An Act to amend Section 3571 of the Political Code, relating to repayments of money paid to the State for State lands. De Long.....	187		
332	An Act to appropriate \$5,000 for the purpose of employing and appointing counsel for the purpose of defending the so called Scott Exclusion Act. Pinder	187	263	362
333	An Act to amend Sections 1861 and 1862 of an Act entitled "The Civil Code of California." De Long.....	193		
334	An Act to amend Section 416 of an Act to establish a Political Code, relating to fees in the Secretary of State's office. Langford..	196	662	997
335	An Act to add a new section to the Political Code, to be known and designated as Section 4493, relating to the dissolution of swamp land or reclamation districts. Langford.....	196	692	1001
336	An Act to add a new section to the Political Code, to be known and designated as Section 3492, relating to the formation of reclamation districts. Langford.....	196	956	1020
337	An Act to amend Subdivision 7 of Section 1097 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to registration of electors. Roth.....	196	584	
338	An Act relating to aliens owning real estate in this State. Pinder..	196		
339	An Act relating to aliens doing business in the State of California. Pinder	197		
340	An Act entitled an Act to amend Section 385 of the Political Code of the State of California, relating to the salary of the Private Secretary of the Governor. Moffitt.....	197	511	666

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
341	An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant. Goucher.....	197		
342	An Act to create the County of Pomona, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and election of officers, and to classify said county. McComas.....	197		
343	An Act to amend Section 324 of the Civil Code, relating to the transfer of shares of the capital stock of corporations. McComas.	197		
344	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered as Section 308, relative to the sale and use of opium, or any preparation thereof. McComas..	197		
345	An Act to amend Sections 419 and 420 of the Civil Code, relating to insurance corporations. McComas.....	197		
346	An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to deputies of officials in counties of the ninth class. Jones	197		
347	An Act providing for the cleaning of the stone used in the Capitol building, by the removal therefrom of all stains, rust, and other unsightly and injurious substances, and the preservation of said stone from future similar conditions by chemical applications that shall protect said stone from injury through the effect of moisture, and to appropriate money to pay the expenses thereof. Fraser	197	969	
348	An Act to regulate the fees of Justices of the Peace in counties of the twenty-third class. Fraser.....	197		
349	An Act to provide for the better protection of life and limb, and to guard against accidents on street and cable roads, by the use of safety guards, and to punish negligence. McDonald.....	197		
350	An Act to prevent deception in the sale of dairy products, and to preserve the public health. Byrnes	198	601	
351	An Act to pay the claim of James I. Stanton, ex-Coroner of the City and County of San Francisco. Wilson.....	198		
352	An Act to repeal Sections 2949, 2950, 2951, 2952, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, and 2969 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Caminetti.....	198	524	
353	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1521 thereof, to provide for estimating the cost and selling price of State text-books. Williams	198		
354	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1521 thereof, relative to the free printing of the State text-books. Williams	198		
355	An Act to amend Section 616 of the Political Code, relating to insurance companies. Goucher.....	205	629	

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
356	An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, providing for the exclusion of certain lands within any such district. Meany....	205		
357	An Act to authorize the payment of claims against the State which were incurred under "An Act to promote drainage," approved April 23, 1880, and to appropriate money for their payment. Dray	208	463	611
358	An Act to amend Section 704 of the Penal Code of the State of California, relating to security to keep the peace. Crandall....	212		
359	An Act amendatory and supplemental to an Act entitled "An Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, approved March 30, 1868, approved March 12, 1885. Fraser.....	212		
360	An Act to add a new section to the Code of Civil Procedure, to be known as Section 1744, to define the duties of County Treasurers relating to moneys deposited by Public Administrators. Fraser.	213		
361	An Act to provide for the division of existing counties, and for the creation of new counties. McComas.....	213		
362	An Act to amend Section 1, Section 3, and Section 4 of an Act entitled "An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation," approved March 30, 1874, and amended by an Act approved April 16, 1880, entitled "An Act to amend Section 3 of an Act entitled 'An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation,'" approved March 30, 1874. Goucher.....	313	652	826
363	An Act relating to the mode, place, and time of inflicting the death penalty. Dixon.....	213		
364	An Act to pay the claim of William Pyburn, his heirs or assigns, for services rendered as private soldier in defending the eastern frontier against the attacks of Indians. Flint	213		
365	An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866. Flint	213		
366	An Act to repeal Section 306, Article II, Chapter I, Title I, Part IV, Division I, of the Civil Code of this State, relating to corporations. Wilson	213		
367	An Act entitled an Act to amend Section 3494 of the Political Code of the State of California, relative to the price to be paid by purchasers of the school lands of the State. Wilson	213		
368	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 18, 1885, by amending and revising Section 173 of said amendatory Act of 1885. McGowan	213		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
369	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by revising Section 70 and Section 71 of said Act, relating to the duties of the County Treasurer. McGowan	213		
370	An Act to amend the Penal Code by adding thereto a new section, to be known and numbered as Section 308, relative to the sale and use of opium and other narcotic poisons, or any preparation thereof. Bowers.....	219		
371	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887, and to insert a new section therein, to be numbered 193½. Bowers.	219		
372	An Act to provide a system of water supply and sewerage, and to improve the grounds of the California Home for the Care and Training of Feeble-Minded Children. Murphy.....	219	926	919
373	An Act to provide for furnishing the California Home for the Care and Training of Feeble-Minded Children. Murphy.....	219	927	919
374	An Act to create and establish a State Board of Insurance, and prescribe its powers and duties. Goucher.....	223		
375	An Act to provide for the revision of the records of the California Volunteers, and to authorize the Superintendent of State Printing to print, bind, and issue the same. Wilson.....	223		
376	An Act to amend Section 167 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, March 18, 1885, and March 17, 1887, relating to the compensation of officers in counties of the fifth class, and the appointment of deputies of such officers, and the providing of offices for such officers. McComas	223		
377	An Act entitled an Act to establish a branch insane asylum for the insane of the State of California, within the County of Shasta, to be known as the Northern State Insane Asylum, and appropriating money therefor. Briceland.....	223		
378	An Act to add a new section to the Penal Code, relative to the prohibition and prevention of the use of all acids, or solutions of acids, in the manufacture of hermetically sealed tin cans used for canning purposes, to be known as Section 246. Meany	223		
379	An Act amendatory of and supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and providing for a change of the boundaries of irrigation districts, by including other lands therein. Meany	223		
380	An Act to add an additional section to Title III, Part II, Division IV, of the Civil Code of this State, relative to assignments for the benefit of creditors. Jones.....	223	603	
381	An Act to provide for the purchase of statuary to be placed in the niches of the rotunda of the State Capitol, on the first floor, and to appropriate money therefor. Moffitt.....	224		
382	An Act to amend Section 632 of the Penal Code, approved February 14, 1872, relating to the preservation of game and fish. Moffitt	224		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
383	An Act to amend Section 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to fish and game. Moffitt.....	224		
384	An Act to amend "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887. Moffitt.....	224		
385	An Act to prevent the taking or killing of salmon in Cache Creek Slough, in Solano County. Moffitt.....	224		
386	An Act to authorize the Board of Fish Commissioners of this State to decide what size salmon, shad, sturgeon, trout, black bass, pike, and other fish must attain to be considered as mature fish. Moffitt.....	224		
387	An Act to authorize the Board of Fish Commissioners to dispose of the steam launch "Governor Stoneman," and to replace it by two smaller boats, to be used as patrol boats. Moffitt.....	224		
388	An Act to create a Commission, to provide for its management, and for the appointment of the members thereof, and to appropriate funds for an exhibit of the resources and products of the State of California at London, England. Moffitt.....	224		
389	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 634, relating to fish and game. Moffitt.....	224		
390	An Act providing for the appointment of a Commission to make arrangements for the proper reception of the National Grange of the Patrons of Husbandry, and appropriating money to defray the expenses thereof. Langford.....	235	523	678
391	An Act establishing a Board of Pilot Commissioners, and providing pilot regulations for the Bay of San Diego. Bowers.....	235		
392	An Act to pay the claim of James W. Rankin for services in the office of the State Treasurer of California. Wilson.....	235		
393	An Act to prevent the mutilation, obliteration, or removal of marks, brands, stamps, or other impressions made or placed upon specific articles of personal property, for the purpose of showing that the same have been conditionally sold or leased. Wilson.....	235		
394	An Act concerning conditional sales, leases, bailments, and other transfers of personal property and the filing of contracts for the same. Wilson	235		
395	An Act to regulate the manufacture of canned goods, to provide for the inspection of the same, and to compel the stamping thereon of the place and date of canning, and to provide a penalty. Spellacy	235		
396	An Act to appropriate money to pay the claim of Max Gumpel for services rendered to the State as an expert during the trial of John S. Gray. Spellacy	235		
397	An Act to prohibit the issuance of licenses in the several counties and cities and counties in the State of California to persons ineligible to citizenship in the United States. Spellacy.....	235		
398	An Act to repeal an Act entitled "An Act to declare the Klamath River navigable." Briceland.....	235		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
399	An Act to enable women to vote at elections for school officers and in matters pertaining solely to schools, and to qualify them to hold all educational offices. Caminetti	235	974	
400	An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray funeral expenses. McComas	235		
401	An Act to enable persons elected to the office of County Clerk, who have failed to take and file the oath of office, to take such oath of office, and to extend the time therefor, and to validate the acts of such persons. Crandall	236		
402	An Act to establish a State Reform School, and to provide for the maintenance and management of the same. Preston	236	522	679
403	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878. Goucher	236		
404	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, by amending Section 206 thereof. Goucher	236		
405	An Act to appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa, in Mariposa County, to Yosemite Valley. Goucher	236	912	995
406	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relative to the obligations of cotermious owners, and the construction and maintenance of division fences. McGowan	236		
407	An Act to amend Section 490 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of taking appeals, and providing when an appeal may be taken by giving notice thereof, and repealing Section 491 of said Code. White	236		
408	An Act to amend Sections 124, 125, and 126 of an Act entitled "An Act to establish a uniform system of township and county governments," approved March 14, 1883, relating to the duties of County Recorders, and the books and records to be kept by such Recorders, and providing for a systematic classification of the records and documents in the custody of such Recorders. White	236		
409	An Act to pay the claim of Jerome Deasy for moneys expended for the extradition of Alexander Penfield Clark. Moffitt	236		
410	An Act authorizing the sale of certain State land to the Masons and Odd Fellows of the town of Rocklin for cemetery purposes. Fraser	250		
411	An Act to increase the number of Judges of the Superior Court of the County of San Bernardino, State of California, and for the appointment of such additional Judge. Bowers	250		
412	An Act to define and regulate the duties and obligations of master and apprentice. McDonald	250		
413	An Act making an appropriation for the contingent expenses of the Senate for the twenty-eighth session of the Legislature. Moffitt	250	286	204

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
414	An Act making appropriations for the payment of the deficiencies in the appropriations made by an Act entitled "An Act making appropriations for the support of the government of the State of California for the thirty-seventh and thirty-eighth fiscal years," approved March 18, 1887. Moffitt.....	251		
415	An Act to pay the claim of D. Albergi. Pinder.....	251	982	
416	An Act providing for the assessment of all real property in the name of the owner as shown by the records of deeds and transfers in the several counties. Bowers.....	257		
417	An Act to amend Sections 10, 22, and 27 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, relating to appointments to office in case of vacancies, and assessments of real property, and to the collection of such assessments. Goucher.....	257		
418	An Act to provide for furnishing the boiler-house and for repairing the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor. Langford.....	258		
419	An Act to provide for the erection of new buildings and for the permanent improvement of the buildings upon the grounds of the State Asylum for the Insane at Stockton, and to appropriate money therefor. Langford.....	258		
420	An Act to provide for the deficiency in the appropriation for the traveling expenses of the Superintendent of Public Instruction for the thirty-eighth fiscal year. Caminetti.....	258		
421	An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro. McComas.....	258		
422	An Act making an appropriation for the relief of F. Marion Wells. Jones.....	258		
423	An Act to amend Sections 2, 3, 4, 5, 7, 9, 12, 13, 19, 24, 26, 34, 35, and 37 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities." Murphy.....	258		
424	An Act to amend Section 386 of the Political Code, relating to the salary and duties of the Executive Secretary of the Governor, and to appropriate money for the payment of his salary. Bowers.....	258		
425	An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, March 18, 1885, and as amended March 17, 1887, relating to salaries of officers in counties of the sixth class. Hinshaw.....	258		
426	An Act to amend Section 1246 of the Penal Code, relating to appeals to the Supreme Court in criminal cases. White.....	258	953	
427	An Act to amend Section 1401 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the law of succession regarding community property upon the death of the wife. White.....	258		
428	An Act to appropriate money to pay for the exhibition of California products at the Paris Exposition, 1889. Moffitt.....	259		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
429	An Act to amend an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872. Preston.....	278	962	
430	An Act to pay the claim of John Cravens, Janitor of the Supreme Court of Sacramento. Britt	278		
431	An Act to add a new section to Chapter X of the Penal Code, to be known and numbered as Section 337, relative to the selling of pools on horse races. Pinder.....	279		
432	An Act to amend Section 172 of an Act entitled "An Act to provide for a uniform system of county and township governments," approved March 14, 1883, relating to the fees and salaries of officers in counties of the tenth class. Campbell.....	279		
433	An Act to provide for the destruction of seals and sea lions, and to authorize a bounty to be given by the State to encourage such destruction to any person who shall kill a seal, or sea lion, in the waters of the State of California. Campbell	279		
434	An Act appropriating money to pay the deficiency in the appropriation for the care and training of feeble-minded children for the thirty-eighth fiscal year, and to pay the interest thereon. Conklin	279		
435	An Act to regulate the practice of pharmacy and sale of poisons in the State of California. Wilson	279		
436	An Act to provide for the appointment of Trustees for certain purposes in unincorporated towns. Fraser	279		
437	An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, of Chapter XI, of Title XI, of Part III, relating to settlement of accounts of trustees after the distribution of estates, and to compensation of trustees. Boggs	279		
438	An Act to amend Section 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to illegal methods of fishing. Campbell	279		
439	An Act for the relief of Patrick Tormey. Hamill	279		
440	An Act to amend Section 268 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to salaries of the officers and employes of the Senate and Assembly. Caminetti	279	671	
441	An Act to amend Section 872 of "An Act to establish a Penal Code," approved February 14, 1872, relating to the examination of criminal offenses. Caminetti	279	602	
442	An Act to amend "An Act to establish a Penal Code," approved February 14, 1872, relating to the duty and power of a Grand Jury. Dray.....	279		
443	An Act to authorize the Governor and Surveyor-General to sell and convey certain lands belonging to the State. Dargie.....	280		
444	An Act to enable incorporated cities and counties and cities and towns to acquire, maintain, and improve public parks and boulevards. Dargie.....	280	692	1002
445	An Act to provide for the appointment of Matrons for prisons and jails of cities and counties, defining their duties, and providing for their compensation. Sprague.....	280	959	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
446	An Act to prevent the abuse of the process of Courts of justice in this State. Mead.....	280		
447	An Act to amend Section 670 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the contents of a judgment roll, and providing that the same shall contain a copy of the notice of intention to move for a new trial, and any order made thereon. White.....	280	935	
448	An Act to amend Sections 1238 and 1251 of the Code of Civil Procedure, relating to eminent domain. Wilson.....	293		
449	An Act to amend Sections 307 and 312 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872. Pinder....	294		
450	An Act to amend Section 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880. Dargie.....	294		
451	An Act relating to elevator insurance. Dargie.....	294		
452	An Act relating to the time of commencement of actions for the recovery of real property. Dargie.....	294		
453	An Act relating to municipal corporations, and prescribing the qualifications of those entitled to vote at all municipal elections. McComas.....	294		
454	An Act to appropriate the sum of \$5,000 for the relief of George W. Mayberry. McDonald.....	294		
455	An Act to amend Section 792 of the Political Code, relative to Notaries Public and their qualifications. Murphy.....	294		
456	An Act to authorize the Board of Supervisors or other governing authority of the several counties, cities and counties, cities, and towns of the State, to provide pensions or benefits for the relief of aged, infirm, or disabled firemen. Murphy.....	294	517	661
457	An Act to enfranchise the women citizens of this State, and prescribing their qualifications as electors. Jones.....	294		
458	An Act to amend an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872, amended April 16, 1880, so as to include within the operations of said Act actions for malpractice against physicians and surgeons. Briceland....	294		
459	An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor. Dray.....	294	633	826
460	An Act to legalize certain acknowledgments. Heacock.....	294		
461	An Act to amend Section 1181 of the Civil Code of the State of California, as amended April 3, 1880, relating to the proof and acknowledgment of instruments. Heacock.....	294		
462	An Act limiting the time for commencing or maintaining actions for the recovery of the possession of real property dedicated to the public use, but not used for the purpose to which it was dedicated. Heacock.....	295		
463	An Act to amend Section 69 of the Civil Code, relating to marriage. Moffitt.....	295		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
464	An Act respecting the payment in full by holders of certificates of purchase for lands sold by the State of California prior to March 27, 1872, and for which the said State has at any time heretofore issued certificates of purchase to subsequent purchasers. White.....	295		
465	An Act to amend Section 330 of an Act entitled "An Act to establishment a Penal Code," approved March 14, 1872, relating to the crime of gaming and the punishment thereof. White.....	295		
466	An Act to establish a State Reform School for Juvenile Offenders. White.....	295		
467	An Act to amend Section 3495 of the Political Code, relating to the sale of school lands. Bowers.....	300		
468	An Act to regulate the practice of medicine and surgery in the State of California. Briceland.....	300		
469	An Act to add a new section to the Political Code, to be numbered Section 3818, relating to preferred purchasers for lands sold to the State for taxes. Roth.....	300	919	994
470	An Act relating to the time of commencement of actions for the recovery of real property. Britt.....	300		
471	An Act defining the rights of preëmption and homestead claimants on public lands of the United States within the State of California. Flint.....	310		
472	An Act for the protection of trees, plants, and vines from insect pests. McComas.....	310		
473	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to lotteries, by adding a new section thereto, to be known and numbered as Section 372 of said Code. McGowan.....	310		
474	An Act supplemental to an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said Act. Caminetti..	310		
475	An Act to amend Sections 343 and 456 of an Act entitled "An Act to establish a Political Code," approved April 23, 1880, relating to the number and designation of the civil executive officers, and also relating to the salary of the Clerk of the Treasurer of State, and equalizing and changing the title of Clerk to that of Bookkeeper, the same with the salary paid the bookkeeper for the other State officers. Caminetti.....	310		
476	An Act conferring certain additional powers and duties upon city, county, and city and county, and township Assessors. Byrnes.....	310		
477	An Act to provide for the making of maps showing the description of lands embraced in the grants thereof, and otherwise. Byrnes.....	310		
478	An Act to establish a uniform State, county, city and county, or municipal license tax for the retail sale of spirituous, malt, fermented, or vinous liquors in less quantities than five gallons. Meany.....	310		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
479	An Act to amend Section 3922 of the Political Code, relative to the boundary line of the County of Butte. Jones.....	310		
480	An Act to amend Section 2274 of the Civil Code of the State of California, relating to compensation of trustees. White	310	929	998
481	An Act to amend and supplement an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new article thereto, to be known as Article V, Chapter XI, of Title XI, of Part III, relating to settlement of accounts of trustees after distribution of estates, and to compensation of trustees. White.....	311	928	998
482	An Act to amend Sections 198, 205, and 206 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties competent and qualified to act as jurors, and to the mode and manner of selecting such jurors. White..	311		
483	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to rates of pilotage. McDonald.....	321		
484	An Act to amend an Act entitled "An Act to reincorporate the City of San Diego," approved April 1, 1876. Bowers.....	321	834	973
485	An Act providing that the office of the Judge of the Superior Court of the County of San Luis Obispo, State of California, now held by Judge D. S. Gregory, shall cease upon a vacancy occurring therein. Heacock	321	864	970
486	An Act defining a day's labor on all public work in the State of California, and to equalize the remuneration therefor. Campbell.....	321		
487	An Act to amend Sections 752, 755, 758, 763, 764, 765, 766, 767, 769, 773, 778, 786, 788, 789, 790, and 768 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Dixon.....	321		
488	An Act requiring corporations and persons doing a banking business in this State to file with the Controller of State statements showing moneys on deposit with them to which no claims have been made within ten years, and authorizing the Attorney-General to institute proceedings to ascertain its ownership. Pinder	322		
489	An Act to require persons and corporations owning or operating street railroads, upon or over which cars are propelled by means of wire ropes or other machinery running underground, and propelled by stationary or other engines through or over the streets of cities, cities and counties, or towns, to file statements of annual profits, and providing for the payment and collection of a license for conducting such business. Pinder	322		
490	An Act to provide for the erection and management of a State Hospital for the Insane, to be located in Southern California. McComas	322		
491	An Act to amend Section 245 of the Political Code, relating to the officers and employees of the Senate. McGowan. (Substitute for)	322	923	
492	An Act to establish a uniform system of fees of office in counties of the ninth class, and to repeal all Acts and parts of Acts inconsistent therewith. Jones. (Substitute for)	322	923	
493	An Act to amend Section 171 of "An Act to establish a uniform system of county and township governments," approved March 14, 1883, relating to salaries of officers in counties of the ninth class. Jones	322		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
494	An Act to regulate the practice of veterinary medicine and surgery in the State of California. Dixon	329	959	
495	An Act to amend Section 2955 of the Civil Code, relating to chattel mortgages. Murphy	329		
496	An Act to amend Sections 1072, 1094, 1127, 1129, 1131, 1142, 1145, 1147, 1160, 1191, and 1204 of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections. Murphy	329		
497	An Act to amend Section 10 of the Code of Civil Procedure of the State of California. Britt	329		
498	An Act to amend Section 10 of the Political Code of the State of California. Britt	329		
499	An Act to amend Section 7 of the Civil Code of California. Britt	329		
500	An Act providing for the seizure, confiscation, and sale of real and personal property of persons discovered residing within the State of California in violation of the provisions of the Act of Congress known as the Scott Exclusion Act. Welch	329		
501	An Act to authorize the Board of State Harbor Commissioners to pay the claim of the Pacific Transfer Company for wharfage illegally collected. Welch	329		
502	An Act prescribing the powers, duties, and rights of corporations, companies, associations, or persons furnishing water to any city and county, city, or town, or to the inhabitants thereof, and to regulate water rates. Pinder	329		
503	An Act to appropriate money for the purchase of the oil painting, by Thomas Hill, entitled "Driving the Last Spike." Goucher	330		
504	An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887. McComas	330		
505	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 1543, in relation to search warrants. Wilson	330		
506	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to shares of stock in corporations. Wilson	330		
507	An Act to amend Sections 85, 97, and 110 of the Code of Civil Procedure, relating to Justices' Courts, and the terms of office and salaries of Justices of the Peace and Justice's Clerk and Deputy, in cities and counties of more than one hundred thousand population. Wilson	330		
508	An Act to declare arrangements, contracts, agreements, trusts, or combinations in restraint of trade and production unlawful, and to fix the penalty therefor. Moffitt	330		
509	An Act to ascertain and express the will of the people of the State of California upon the subject of the repeal of the so called "Scott Chinese Exclusion Bill." Moffitt	330		
510	An Act to provide for the appointment of an examining commission on rivers and harbors, defining their duties and powers, and prescribing their compensation. Preston	330		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
511	An Act to amend an Act entitled "An Act to allow compensation to Sheriffs for conveying prisoners to State prisons and insane persons to the insane asylums," approved March 14, 1885, providing for compensation to Sheriffs for services rendered since the fourteenth day of March, 1885. Goucher.....	350		
512	An Act to encourage coöperation, and to provide for the formation of associations for the purpose of conducting any lawful business and dividing the profits among the members thereof. Caminetti	350		
513	An Act appropriating the sum of \$12,000 to purchase land to erect buildings and furnish the same for the use of the inmates of the Home of Industry and Refuge for ex-Convicts. Wilson....	350		
514	An Act establishing a Home of Industry and Refuge for ex-Convicts of the State of California, creating a Board of Directors for the government thereof, and appropriating the sum of \$10,000 for the support of said home. Wilson.....	350		
515	An Act for the relief of Amelia Mezzara. Moffitt.....	351		
516	An Act for the relief of Wilson De Letta, for personal injuries received by him while in the service of the State. Moffitt.....	351		
517	An Act to regulate quarantine, and the admission of cattle into the State of California from infected districts. Heacock	351		
518	An Act to suppress and prevent the introduction and spread of Texas or Spanish fever, pleuro-pneumonia, and other contagious and infectious diseases among cattle. Heacock	351		
519	An Act to amend Section 2 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Flint.....	351	865	967
520	An Act authorizing the Controller to transfer money from the State Library Fund to the General Fund in the State Treasury. Mead.....	351		
521	An Act to repeal Section 306 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872. White.....	351		
522	An Act prescribing the competency and for the protection of witnesses testifying as to the crimes against the elective franchise, to be added as a new section under Title IV of the Penal Code of the State of California, and to constitute Section 64 of said Penal Code. Heacock	390		
523	An Act prescribing the penalty for accepting a consideration or compensation for votes, to be added as a new section under Title IV of the Penal Code of the State of California, and to constitute Section 63 of said Penal Code. Heacock	390		
524	An Act to amend Section 170 of the Code of Civil Procedure, by adding a new subdivision thereto, relating to the disqualification of Judges. Jones	390		
525	An Act to amend Section 75 of the Civil Code of the State of California, relative to declarations of marriage. Jones.....	390		
526	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 634, relating to fish and game. Campbell.....	390		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
527	An Act to declare transactions by which pawnbrokers pay money to persons, in consideration of the delivery to them of specific personal property, to be loans, providing that the title to such property shall remain in the person receiving such money and be divested only after proceedings taken, as provided in the sections of the Civil Code in relation to pledges, and declaring void certain agreements between said parties. Campbell.....	390		
528	An Act to amend an Act entitled "An Act for the protection of preemption and homestead claimants," approved March 23, 1874. Dixon.....	390		
529	An Act to designate the quality of goods manufactured and prepared in the State of California, and to require manufacturers to stamp upon their products and manufactures the class of labor employed in their preparation. Pinder.....	390		
530	An Act to amend Section 1323 of the Penal Code of the State of California, relative to the rights of defendants in cases where the defendant offers himself as a witness. Flint.....	390		
531	An Act to amend Section 1070 of the Penal Code of the State of California, relative to peremptory challenges in cases where the offense charged is punishable with death or with imprisonment in the State Prison for life. Flint.....	390		
532	An Act to amend "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as Section 560, in relation to attachments. Committee on Judiciary.....	411		
533	An Act to amend "An Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885. Committee on State Prisons.....	411	927	
534	An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Printing Office, including the pay of employes, for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	411		
535	An Act making an appropriation for the deficiency in the appropriation for the support of the Insane Asylum at Napa for the thirty-ninth and fortieth fiscal years. Moffitt.....	412		
536	An Act making an appropriation to pay the deficiency in the appropriation for repairs to the State Capitol building and furniture, and the purchase of carpets, for the thirty-seventh, thirty-eighth, and thirty-ninth fiscal years, with legal interest thereon. Moffitt.....	412		
537	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of insane for the thirty-seventh and thirty-eighth fiscal years, with legal interest thereon. Moffitt.....	412		
538	An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners for the thirty-seventh fiscal year, with legal interest thereon. Moffitt.....	412		
539	An Act making an appropriation to pay the deficiency in the appropriation for water for irrigation, purchase of hose, and implements to be used on the State Capitol grounds for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	412		
540	An Act making an appropriation to pay the deficiency in the appropriation for arresting criminals without the limits of the State for the thirty-ninth fiscal year, with legal interest thereon. Moffitt.....	412		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
541	An Act making an appropriation to pay the deficiency in the appropriation for arrest and conviction of highway robbers for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	412		
542	An Act making an appropriation to pay the deficiency in the appropriation for stationery, fuel, lights, and so forth, for the Legislature and State officers for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	412		
543	An Act making an appropriation to pay the deficiency in the appropriation for bulkheading, sewerage, and improving the grounds at the Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	412		
544	An Act making an appropriation to pay the deficiency in the appropriation for expenses of the Supreme Court, under Section 47 of the Code of Civil Procedure, for the thirty-ninth fiscal year, with legal interest thereon. Moffitt.....	412		
545	An Act making an appropriation to pay the deficiency in the appropriation for use of library of Branch State Normal School at Los Angeles for the thirty-eighth fiscal year, with legal interest thereon. Moffitt.....	412		
546	An Act making an appropriation to pay the deficiency in the appropriation for stationery and contingent expenses of the Bureau of Labor Statistics for the thirty-sixth, thirty-eighth, and thirty-ninth fiscal years. Moffitt.....	412		
547	An Act making an appropriation to pay the deficiency in the appropriation for official advertising for the thirty-eighth and fortieth fiscal years. Moffitt.....	413		
548	An Act making an appropriation to pay the deficiency in the appropriation for postage and expenses of the Supreme Court for the thirty-ninth fiscal year. Moffitt.....	413		
549	An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and contingent expenses of the Attorney-General for the thirty-ninth fiscal year. Moffitt.....	413		
550	An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses of the Board of Commissioners of Yosemite Valley for the thirty-eighth fiscal year. Moffitt.....	413		
551	An Act making an appropriation to pay the deficiency in the appropriation for Special Contingent Expenses Fund (secret service) for the thirty-eighth fiscal year. Moffitt.....	413		
552	An Act making an appropriation to pay the deficiency in the appropriation for purchase of ballot paper for the thirty-eighth and fortieth fiscal years, with legal interest thereon. Moffitt.....	413		
553	An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the thirty-seventh fiscal year. Moffitt.....	413		
554	An Act making an appropriation to pay the deficiency in the appropriation for support of the insane asylum at Stockton for the thirty-eighth, thirty-ninth, and fortieth fiscal years. Moffitt.....	413		
555	An Act making an appropriation to pay the deficiency in the appropriation for contingent expenses of the Secretary of State for the thirty-eighth and thirty-ninth fiscal years. Moffitt.....	413		
556	An Act making an appropriation to pay the deficiency in the appropriation for the uses of the State Board of Horticulture for the thirty-eighth fiscal year. Moffitt.....	413		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
557	An Act making an appropriation to pay the claim against the State of California incurred under an Act entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of the State," approved February 28, 1887. Moffitt	413		
558	An Act to provide for the deficiency in the appropriation for repairs of State Capitol building, and furniture, and purchase of carpets for the fortieth fiscal year. Moffitt.....	413		
559	An Act to provide for the deficiency in the appropriation for stationery, fuel, and lights for the Legislature and State officers for the fortieth fiscal year. Moffitt.....	413		
560	An Act to grant to the United States certain tidelands belonging to the State of California, for the purpose of improving the harbor of Humboldt Bay. McGowan.....	414		
561	An Act to aid, assist, and encourage the exhibition of the products of the State of California. Hinshaw.....	414		
562	An Act entitled an Act to provide for the levy and collection of taxes by municipal corporations in all cities incorporated under the laws of the State, excepting cities of first, second, third, and fourth classes. Hinshaw.....	414		
563	An Act to repeal an Act entitled an Act to prohibit the collection of accounts for liquor sold at retail. Mead.....	414		
564	An Act to amend Sections 3 and 768 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness. White.....	414		
565	An Act to provide compensation to George R. B. Hayes, for professional services rendered the State of California at the request of the Governor and Attorney-General. White.....	414	926	971
566	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be known as Section 1856, relating to the sales of personal property by depositors for hire to pay storage charges. White.....	414		
567	An Act to amend Section 415 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 21, 1872, relating to the purchase, holding, and conveyance of real estate by insurance corporations. White.....	414		
568	An Act to amend Sections 689 and 1431 of an Act entitled "An Act to establish a Penal Code," approved March 14, 1872, relating to the right of a defendant to be tried by a jury, and to cases where judgment may be pronounced against a defendant, and relating to the change of place of trial in criminal proceeding in Justices' Courts. White.....	414		
569	An Act to readjust the salaries of County Superintendents of Schools in the State of California, and more fully define their duties. Byrnes	429		

Number	TITLE.	Introduced.	Passed Senate	Passed Assembly
570	An Act entitled "An Act to provide for the appointment of a State Board of Drainage and Reclamation Commissioners, to define their duties, to provide for the organization and government of drainage reclamation districts, and for the construction of works to improve the drainage and reclamation of the swamp and overflowed lands of this State; to appropriate money for the use of said Board of Drainage and Reclamation Commissioners, and to provide for the issuing of bonds of the State of California to provide money for the use of draining and reclaiming such lands. Langford	429		
571	An Act to pay the claim of W. T. Beville, Sheriff, for expenses incurred in the extradition of W. S. Welling. Boggs	429	755	922
572	An Act to provide for the levy and collection of taxes by school districts incorporated under the laws of the State, excepting in cities of the first, second, third, and fourth classes. Hinshaw ..	429		
573	An Act to authorize the Commissioners to Manage the Yosemite Valley and the Mariposa Big Tree Grove to cause the survey, location, and construction of a road connecting Yosemite Valley with Mono Lake, and appropriating money therefor. Goucher ..	429		
574	An Act to amend Sections 3449, 3451, 3458, 3462, 3465, 3467, 3468, 3471, and 3473 of the Civil Code of the State of California, all in relation to assignment for the benefit of creditors. Pinder	430	672	734
575	An Act to withdraw from entry or sale the State school forest lands in every township in California. Caminetti	430		
576	An Act making an appropriation for the salary of the bookkeeper of the State Treasurer for the fortieth fiscal year. Caminetti ..	430		
577	An Act to amend Section 456 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the salary of the bookkeeper of the Treasurer of State. Caminetti ..	430		
578	An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 14, 1883, as amended March 14, 1885, and March 17, 1887. Caminetti	430		
579	An Act to provide for the appointment of a Board of Commissioners of Penal and Charitable Institutions, and defining their duties and powers, and prescribing their compensation. Wilson ..	430		
580	An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations incorporated under the laws of this State," approved March 15, 1887. Preston	430		
581	An Act making an appropriation to pay the deficiency in the appropriation for the support of the California Hospital for Chronic Insane at Agnews, for the thirty-eighth fiscal year. Meany	449		
582	An Act to amend Section 340 of the Penal Code, relating to pawn-brokers. Wilson	450		
583	An Act to amend Section 3488 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to make Sections 3446, 3447, 3449, 3450, 3452, 3453, 3454, 3455, 3456, 3457, 3459, 3460, 3461, 3462, 3463, 3465, 3466, 3467, 3468, 3471, 3472, and 3473 of said Political Code, relating to the reclamation of certain lands, applicable to certain lands within municipalities. Wilson	450		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
584	An Act to regulate the powers and duties of the State Board of Prison Directors. Moffitt.....	454	604	596
585	An Act to amend Section 3804 of "An Act to establish a Political Code," approved March 12, 1872, relating to the collection of property taxes. McComas.....	454		
586	An Act to amend Section 581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the dismissal of actions and providing how actions may be dismissed or nonsuit entered. Hinshaw.....	454		
587	An Act making an appropriation for the cost of printing and engraving of pure California wine labels. Hinshaw.....	454	703	828
588	An Act to amend "An Act to protect public health from infection caused by exhumation and removal of the remains of deceased persons," approved April 1, 1878. Byrnes.....	454	765	790
589	An Act to amend Section 842 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to persons acting as attorneys in Justices' Courts. Langford.....	454	968	
590	An Act making an appropriation to pay the deficiency in the appropriation for restoration and preservation of fish in the waters of the State for the thirty-sixth, thirty-seventh, and thirty-eighth fiscal years. Moffitt.....	480		
591	An Act to amend Section 425 of the Political Code, relating to special policemen for the State Capitol grounds, and to their powers, and the payment of their salaries. Roth.....	480		
592	An Act appropriating money to pay the salary of an additional policeman for the State Capitol grounds, for the fortieth fiscal year. Roth.....	480		
593	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 625½, relating to offenses committed on public property of the State. Judiciary Committee..	480	672	
594	An Act to amend Section 2349 of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the navigable waters of this State. Dray.....	481		
595	An Act making an appropriation for the arrangement and protection of the State Mineral Cabinet, under direction of the Trustees thereof. Preston.....	481		
596	An Act to provide for the cancellation of unapproved applications for purchase of sixteenth and thirty-sixth sections, and to regulate the applications for purchase of such sections. Bowers..	481	864	961
597	An Act to amend Sections 3 and 768 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the formation of such corporations, and the pleading and proof of the organization thereof required in any civil or criminal action, and the number of voters required at elections held to determine the question of incurring municipal indebtedness. Bowers.....	481		
598	An Act to appropriate the sum of \$80,000 for the building of a medical college in the City and County of San Francisco, to be a part of the University of the State of California. Murphy....	481		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
599	An Act making an appropriation to pay the deficiency in the appropriation for furnishing the buildings of the California Hospital for the Chronic Insane at Agnews for the fortieth fiscal year. Committee on Finance.....	500	755	874
600	An Act to authorize the Trustees of the State Normal School to construct a sidewalk around the grounds of the State Normal School, located in the City of San José, California, and to appropriate money therefor. Committee on Finance.....	500		
601	An Act to provide for the construction and furnishing of a manual and gymnasium building for the use of the State Normal School at Los Angeles, California, and to appropriate money therefor. White	510	772	1012
602	An Act to provide that all contracts hereafter made by the State, requiring the payment of money by the State, in all cases where no sufficient appropriation has been made therefor, shall provide that such payments be made in Controller's warrants. Heacock ..	510		
603	An Act to authorize the Board of Supervisors of the City and County of San Francisco to examine into, adjust, and pay the claim of Thomas Day, of the City and County of San Francisco, for damages done to and injuries suffered by certain real property of the said Day, situated on the north side of Harrison Street, between Second and Third Streets, in said city and county, by reason of the modification of the grade of Second Street, between Howard and Bryant Streets, had and made pursuant to the Act of the Legislature of the State of California, approved March 30, 1868, and entitled "An Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets." Britt.....	510	962	
604	An Act to amend Section 2693 of an Act entitled "An Act to establish a Political Code," approved February 28, 1883, relative to highways. Jones	510	982	
605	An Act to provide for the payment of J. R. McDonald, Francis Williams, and Henry de Veuve, for per diem and mileage for serving as Commissioners of the West Side Irrigation District, under the Act to create an irrigation district to be called the West Side Irrigation District, approved April 3, 1866, and Acts supplemental thereto. Spellacy.....	510		
606	An Act to repeal Sections 2652 and 2671 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Boggs	510		
607	An Act to provide for the payment of the expenses necessary to enable the Railroad Commissioners of the State of California to attend and participate in a general conference of Railroad Commissioners, to be held at the office of the Interstate Commerce Commission, in the City of Washington, on the fifth day of March, A. D. 1889, and to appropriate money therefor. Jones..	521		
608	An Act to pay the claim of Charles Sonntag & Co., for cartridges used in the military salute fired over the grave of the late Governor Washington Bartlett. Meany	537		
609	An Act relating to life, casualty, and endowment protection upon assessment or mutual improvement plan. Meany	537		
610	An Act to amend Section 302 of the Civil Code, relating to annual meetings of the directors of corporations, and to the merging of the stock in other corporations. Preston ..	537	900	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
611	An Act to establish a Department of Agriculture, to define its powers, to provide for the appointment of a Commissioner of Agriculture and such other officers as the said department may require, to define the duties of said Commission and the said officers, to provide for the enforcement of the rules and regulations of said department, and to punish violations thereof, and to make an appropriation for the support and maintenance of said department. Select Committee on Commissions.....	538		
612	An Act to amend an Act entitled an Act amendatory of and supplemental to an Act, approved April 25, 1863, entitled "An Act to incorporate the City of Sacramento," approved March 6, 1872. Dray.....	538	558	609
613	An Act to amend Section 330 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to said section a clause requiring the enforcement of said section by the Chief or Captain of Police of the cities of this State and the Sheriff of the counties thereof, and the disposition of the fines, forfeitures, and penalties collected or imposed thereunder. Briceland.....	538		
614	An Act to appropriate \$12,888 89, to pay the salary of the Commissioner of Immigration from October 10, 1885, to January 1, 1889. Greely.....	554		
615	An Act to provide for the maintenance and support of the public parks heretofore created within the various cities and cities and counties of the State, and to amend the existing Acts in relation thereto. Wilson.....	556		
616	An Act entitled an Act to amend Sections 1 and 15 of "An Act to provide for an additional asylum for the insane of the State of California," approved March 9, 1885. Wilson.....	556		
617	An Act appropriating the sum of \$15,000 for the purchase of copyright No. 15,697, entitled "Insects Injurious and Beneficial, their Natural History and Classification, etc.," now known as "Cooke's School Entomology." Murphy.....	556		
618	An Act making an appropriation to pay the expenses of telegraphing by the Governor. Heacock.....	556		
619	An Act to add thirty-two sections to "An Act of the Legislature of the State of California to establish a Political Code," approved March 12, 1872, said sections to be known, numbered, and designated as Sections 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, and 2606, all relating to the establishing of a Board of State Harbor Commissioners for the Bay of San Diego. Bowers.....	557	773	960
620	An Act to repeal "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887. Pinder.....	557		
621	An Act to repeal "An Act to regulate the vocation of fishing, and to provide therefrom revenue for the restoration and preservation of fish in the waters of the State of California," approved March 21, 1887. Pinder.....	557		
622	An Act to regulate the use of meters used in the sale, rental, or distribution of water supplied to cities and counties, cities or towns, and to the inhabitants thereof. Goucher.....	557		
623	An Act to appropriate money for the purchase of certain roads within the limits of the Yosemite Grant. Goucher.....	557		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
624	An Act to empower Coroners in cities and counties to appoint a stenographer and physician to make autopsies. Williams.....	568	976	1022
625	An Act to provide for the appointment of a Veterinary Surgeon and assistants, to prescribe their duties, fix their compensation, and make appropriation therefor. Special Committee	581	647	822
626	An Act to regulate quarantine and the admission of horses, cattle, sheep, and swine into the State of California from infected districts. Special Committee.....	581	683	
627	An Act to amend Section 537 of the Code of Civil Procedure, relative to attachments. Crandall	581		
628	An Act to legalize conveyances made to or by homestead associations and homestead corporations, after the expiration of the period for which such associations and corporations were formed, and to give serving Directors power to settle the affairs of such corporations. Hamill.....	581	961	
629	An Act to recognize the Veterans' Home at Yountville as a State Home for the maintenance of disabled soldiers and sailors of the United States, and to designate an officer to receive moneys appropriated by the United States on account of said Home. Wilson	581		
630	An Act making an appropriation to pay the claim of Charles Anderson, executor of the estate of George Anderson, deceased, for labor performed in the Yosemite Valley. Goucher.....	581		
631	An Act to establish a State Normal School in the City and County of San Francisco. Wilson	583		
632	An Act to amend Section 1510 of the Penal Code, in relation to duties of Coroners. Williams.....	594		
633	An Act to provide for the appointment of Health Inspectors and Market Inspectors in each municipality of this State having fifty thousand inhabitants and over that number, providing how such Inspectors shall be appointed and designated as officers of such municipality, and prescribing the duties and fixing the compensation of such Inspectors. Murphy	600		
634	An Act to authorize R. C. Ball to sue the State of California. Goucher.....	600		
635	An Act to add a new section to the Penal Code, to be numbered 214, and relating to the crime of train and stage robbery, and providing penalties therefor. Wilson	600		
636	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section, to be known as Section 539. Maj. Com. on Public Printing		864	
637	An Act to provide for the erection of suitable buildings for the California Home for the Care and Training of Feeble-Minded Children, for furnishing such buildings, and for sewerage and improving the grounds of said Home, and to make an appropriation therefor. Conklin.....	605		
638	An Act to amend Section 3 of an Act entitled "An Act to prevent the circulation of bogus election tickets, and to prevent frauds upon voters." Jones	605		
639	An Act to provide for the payment for extra services performed by laborers and mechanics on the buildings of the State Normal School at Chico, and to appropriate money therefor. Jones	605		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
640	An Act to establish a State naval militia. Wilson.....	606		
641	An Act to provide for the deficiency in the appropriation for salary of the Deputy Superintendent of Public Instruction for the thirty-eighth fiscal year. Moffitt.....	606		
642	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section, to be known and numbered as Section 308, relative to the sale and use of opium prepared for smoking. Conklin.....	607		
643	An Act to appropriate money in aid of building and furnishing the Home for Soldiers' Widows and Orphans and Army Nurses, and for the support of indigent persons residing in the Home of the Women's Relief Corps Home Association. McComas...	607		
644	An Act to provide for the disincorporation of municipalities incorporated under the provisions of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Roth	608		
645	An Act entitled an Act to prevent persons from entering upon lands of another in the State of California, for the purpose of shooting, or hunting, or fishing, or discharging firearms, or lighting camp fires thereon. Dargie	609		
646	An Act entitled "An Act imposing certain duties upon the Governor of the State," in relation to robberies committed within the State. Yell.....	610	910	
647	An Act to amend Section 213 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of the crime of robbery. Yell.....	610	866	
648	An Act to establish a standard of weights and measures. Jones	610		
649	An Act to amend an Act entitled, "An Act to establish a Penal Code," approved February 14, 1872, and to add a new section thereto, to be numbered Section 402, relating to felony. Yell...	612		
650	An Act for the relief of Peter Connolly, his assignees, or legal representatives. Jones.....	613	763	891
651	An Act for the relief of Patrick Creighton. Hamill.....	613	839	969
652	An Act to extend the jurisdiction of the Board of State Harbor Commissioners over East Street, between Pacific and Folsom Streets. Wilson	647		
653	An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton. Goucher	683	702	742
654	An Act to add three new sections to the Code of Civil Procedure, to be known as Sections 748, 749, and 750, relating to actions to quiet title to real property. White.....	683	969	
655	An Act to amend Sections 3, 6, 7, 8, and 12 of an Act entitled "An Act to create and establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 13, 1883, and an Act amendatory thereof, approved February 18, 1885, and to add five new sections to said Act, to be known as Sections 14, 15, 16, 17, and 18, and to repeal Section 9 of said Act, and to appropriate money for the uses of the State Board of Horticulture. Heacock.....	698	721	747
656	An Act to appropriate money for the contingent expenses of the Senate for the twenty-eighth session of the Legislature. Moffitt.	699	743	729

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
657	An Act relating to the indebtedness of cities which, at the last Federal census, had a population of over 11,000 and less than 12,000. White.....	748	972	
658	An Act to provide for the construction and work upon bridges, streets, lanes, alleys, courts, places, sidewalks, and tunnels, and for the construction of sewers, and for the condemnation of property for school purposes within municipalities which, at the last Federal census, had a population of over 11,000 and less than 12,000. White.....	748	976	
659	An Act to repeal an Act entitled "An Act to incorporate the City of Monterey," approved May 11, 1853, and Acts amendatory thereof, approved March 4, 1857, April 18, 1862, and April 2, 1866. Flint.....	760	826	
660	An Act to amend Section 3064 of the Political Code. Moffitt.....	871	926	
661	An Act to provide for the incorporation of mutual fire insurance companies, and define their powers and duties. Moffitt.....	882	900	978
662	An Act to authorize the payment of claims against the State, which were incurred under an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money for the payment of the same. Dray.....	921	925	882
663	An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton, and to repeal an Act entitled "An Act making an appropriation for supplying water, light, and fuel for the State Insane Asylum at Stockton," approved March 11, 1889. Goucher.....	983	1011	900
664	An Act to provide for walks in the State Capitol grounds, and to appropriate money therefor. Dray.....	991	1000	990
665	An Act to provide for the removal of ten tiers of wooden steps and to construct in their stead granite steps on the State Capitol grounds, located at Sacramento, and to appropriate money therefor. Dray.....	991	1001	991
666	An Act to provide for the improvement of the State Capitol grounds, located at Sacramento, and to appropriate money therefor. Dray.....	991	1001	991
667	An Act to provide for the fitting up in the basement of the Capitol building a moisture-proof, fire-proof, and burglar-proof vault for storage and care of the archives of the State offices, for the appointment of a Keeper of Archives, defining his duties, fixing his salary, and appropriating money for the purposes appertaining thereto. Dray.....	991	1001	991
668	An Act to provide for the submission of such proposed amendments to the Constitution of the State of California as have been heretofore or shall hereafter be proposed and adopted by the Legislature of the State of California, at the session thereof beginning on January 7, 1889, to the qualified voters of said State, at a general election to be held on the first Tuesday after the first Monday of November, 1889. Goucher.....	1037	1052	

SENATE CONCURRENT RESOLUTIONS.

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
1	Relative to settlement of Klamath River Indian Reservation. McGowan		217	709
2	Relative to improvement of Eel River. McGowan	191	192	317
3	Relative to inviting the National Grange of the Patrons of Husbandry to hold their annual meeting in this State. Langford	57	57	
4	Indorsing the Scott Exclusion Act. McGowan	57	426	348
---	Relative to the eastern boundary line of the State. Caminetti	81	81	
5	Relative to procuring rock from Angel Island. Spellacy	120	527	
6	Relative to the improvement of the navigation of the Sacramento and Feather Rivers. Greely	174		
7	Memorializing Congress to grant estuary of San Antonio to the City of Oakland for sanitary purposes. Moffitt	191	191	
8	Relative to forwarding two copies of each of the State series of text-books by express to the Indiana House of Representatives. Caminetti	174		
9	Relative to the unpaid claims of this State against the United States. Boggs	193		
10	Requesting the Congress of the United States to refuse the Territory of Utah admission as a State in the Federal Union so long as polygamy, or the system of plural marriages, prevails within its boundary. Preston	218	528	
11	Relative to improvement of navigation of Sacramento and Feather Rivers. Mead	231		932
12	Relative to payment of Indian depredation claims. McGowan ..	231	528	709
13	Relative to defense of sea coast and maritime interests. Wilson ..	231	394	
14	Relative to establishing agricultural experiment stations. Caminetti	231	528	773
15	Relative to the investigation of the mining debris question. Caminetti	388	501	
16	Relative to repairing the flagship "Hartford." Murphy	414	415	507
17	Relative to Whitthorne's Naval Reserve Bill. Wilson	415	415	812
18	Relative to meritorious services rendered to the State by Colonel A. Andrews. Committee on Finance	574		
19	Relative to the boilermakers of the Pacific Coast. Welch	579	579	658
20	Relative to completion of Oakland Harbor. Dargie	689	1025	1023
21	Relative to restoring certain lands to the public domain. Roth ..	911		895
22	Relative to revision of the Codes. McGowan	1047	1047	

SENATE JOINT RESOLUTIONS.

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
1	Approving the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the sixth day of November, 1888. Moffitt	32	112	184
2	Approving the charter of the City of Los Angeles, in Los Angeles County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the twenty-second day of October, 1888. White	33	162	110
4	Approving the charter of the City of Stockton, in San Joaquin County, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the twentieth day of November, 1888. Moffitt	36	385	344
5	Relative to the charter for the City of San Diego. Bowers	779	834	833

SENATE CONSTITUTIONAL AMENDMENTS.

Number	TITLE.	Introduced	Passed Senate.	Passed Assembly.
1	Proposed amendment to Article XIII of the Constitution, relative to revenue and taxation. Britt.....	25		
2	Constitutional amendment to the Constitution of the State, relative to poll tax. Dray.....	38		
3	Amending Section 7, of Article IV, of the Constitution, relating to the officers of the Senate and Assembly. Heacock.....	46		
4	To propose to the people of the State an amendment to the Constitution of the State, relative to the taxation of mortgages and deeds of trusts. Bowers.....	46		
5	Proposes that Sections 2 and 3, of Article VI, of the Constitution of the State of California, relating to the Supreme Court, be amended. Jones.....	46		
6	To propose to the people of the State of California an amendment to the Constitution of the State, relative to the framing and adoption of charters by cities containing less than fifty thousand inhabitants. Preston.....	46	874	1008
7	An Act to propose an amendment to Section 2, of Article IV, of the State of California. Caminetti.....	59		
8	A resolution to propose an amendment to Section 7, of Article IX, of the Constitution of the State of California. Caminetti..	59	392	
9	Proposed amendment to Section 1, Article XI, of the Constitution, relating to the rights of suffrage. McComas.....	60		
10	An Act to propose to the people of the State of California an amendment to the Constitution of the State of California. Caminetti.....	216		
11	To propose an amendment to Section 10, of Article XIII, of the Constitution of the State of California. White.....	217	612	
12	An Act to propose an amendment to Section 11, of Article VI, of the Constitution of the State of California, relative to the jurisdiction of Justices of the Peace. Britt.....	218		
13	An Act to propose to the people of the State of California an amendment to the Constitution of the State of California. Wilson.....	294	483	658
14	To propose to the people of the State an amendment to the Constitution of the State, relative to the salaries of the Judiciary Department. Murphy.....	329	998	

8-18-80 added

